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TREATIES AND OTHER
INTERNATIONAL AGREEMENTS
OF THE
UNITED STATES OF AMERICA
1776—1949

Compiled under the direction of

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¹ In order to provide a complete chronological list of agreements entered into by the United States during the years covered in this volume, the table of contents includes citations to several agreements which are not printed in this compilation because they entered into force for the United States after 1949 and are therefore contained in the series entitled *United States Treaties and Other International Agreements* (UST). For a more detailed explanation of the scope of these volumes, see the preface to volume 1.

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LIMITING MANUFACTURE AND REGULATING DISTRIBUTION OF NARCOTIC DRUGS

*Convention and protocol of signature signed at Geneva July 13, 1931
Senate advice and consent to ratification, with reservations and understandings, March 31, 1932¹*

Ratified by the President of the United States, with reservations and understandings, April 8, 1932¹

Ratification of the United States deposited with the Secretary-General of the League of Nations April 28, 1932

Entered into force July 9, 1933

Proclaimed by the President of the United States July 10, 1933

Amended by protocol of December 11, 1946;² supplemented by protocols of November 19, 1948,³ and June 23, 1953⁴

Terminated by single convention of March 30, 1961,⁵ as between contracting parties to the single convention

48 Stat. 1543; Treaty Series 863

CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS

The President of the German Reich; the President of the United States of America; the President of the Argentine Republic; the Federal President of the Austrian Republic; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India; the President of the Republic of Chile; the President of the Republic of Costa Rica; the President of the Republic of Cuba; His Majesty the King of Denmark and Iceland; the President of the Polish Republic, for the Free City of Danzig; the President of the Dominican Republic; His Majesty the King of Egypt; the President of the Provisional Government of the Spanish Republic; His Majesty

¹ For text of U.S. reservations and understandings, made at time of signature and maintained in the Senate's resolution of advice and consent and in the President's ratification, see p. 21.

² TIAS 1671, *post*, vol. 4, and 62 Stat. 1796; TIAS 1859.

³ 2 UST 1629; TIAS 2308.

⁴ 14 UST 10; TIAS 5273.

⁵ 18 UST 1407; TIAS 6298.

the Emperor and King of the Kings of Abyssinia; the President of the French Republic; The President of the Hellenic Republic; the President of Guatemala; His Majesty the King of Hejaz, Nejd and Dependencies; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Liberia; the President of the Republic of Lithuania; Her Royal Highness the Grand Duchess of Luxemburg; the President of the United States of Mexico; His Serene Highness the Prince of Monaco; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; the President of the Polish Republic; the President of the Portuguese Republic; His Majesty the King of Roumania; I Capitani Reggenti of the Republic of San Marino; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Czechoslovak Republic; the President of the Republic of Uruguay; the President of the United States of Venezuela,

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912,⁶ and at Geneva on February 19th, 1925,⁷ by rendering effective by international agreement the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and by regulating their distribution,

Have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the German Reich:

M. Werner Freiherr von Rheinbaben, "Staatssekretär z.D.";

Dr. Waldemar Kahler, Ministerial Counsellor at the Ministry of Interior of the Reich.

The President of the United States of America:

Mr. John K. Caldwell, of the Department of State;

Mr. Harry J. Anslinger, Commissioner of Narcotics;

Mr. Walter Lewis Treadway, M.D., F.A.C.P., Assistant Surgeon-General, United States Public Health, Service Chief, Division of Mental Hygiene;

Mr. Sanborn Young, Member of the Senate of the State of California.

The President of the Argentine Republic:

Dr. Fernando Perez, Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Italy.

The Federal President of the Austrian Republic:

M. Emerich Pflügl, Envoy Extraordinary and Minister Plenipotentiary, Permanent Representative accredited to the League of Nations;

⁶ TS 612, *ante*, vol. 1, p. 855.

⁷ 81 LNTS 317. The United States did not become a party.

Dr. Bruno Schultz, Police Director and "Conseiller aulique", Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

His Majesty the King of Belgium:

Dr. F. de Myttenaere, Principal Inspector of Chemistry at Hal.

The President of the Republic of Bolivia:

Dr. M. Cuellar, Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

The President of the Republic of the United States of Brazil:

M. Raul do Rio Branco, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

Sir Malcolm Delevingne, K.C.B., Permanent Deputy-Under-Secretary in the Home Office.

For the Dominion of Canada:

Colonel C. H. L. Sharman, C.M.G., C.B.E., Chief Narcotic Division, Department of Pensions and National Health;

Dr. Walter A. Riddell, M.A., Ph.D., Dominion of Canada Advisory Officer accredited to the League of Nations.

For India:

Dr. R. P. Paranjpye, Member of the Council of India.

The President of the Republic of Chile:

M. Enrique Gajardo, Member of the Permanent Delegation accredited to the League of Nations.

The President of the Republic of Costa Rica:

Dr. Viriato Figueredo Lora, Consul at Geneva.

The President of the Republic of Cuba:

M. Guillermo de Blanck, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations;

Dr. Benjamin Primelles.

His Majesty the King of Denmark and Iceland:

M. Gustav Rasmussen, Chargé d'affaires at Berne.

The President of the Polish Republic (for the Free City of Danzig):

M. François Sokal, Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

The President of the Dominican Republic:

M. Charles Ackermann, Consul-General at Geneva.

His Majesty the King of Egypt:

T. W. Russell Pasha, Chief of Police of Cairo and Director of the Central Bureau for Information with regard to Narcotics.

The President of the Provisional Government of the Spanish Republic:

M. Julio Casares, Head of Section at the Ministry for Foreign Affairs.

His Majesty the Emperor and King of the Kings of Abyssinia:

Count Lagarde, Duke of Entotto, Minister Plenipotentiary, Representative accredited to the League of Nations.

The President of the French Republic:

M. Gaston Bourgois, Consul of France.

The President of the Hellenic Republic:

M. R. Raphaël, Permanent Delegate accredited to the League of Nations.

The President of the Republic of Guatemala:

M. Luis Martínez Mont, Professor of Experimental Psychology in Secondary Schools of State.

His Majesty the King of Hejaz, Nejd and Dependencies:

Cheik Hafiz Wahba, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty.

His Majesty the King of Italy:

M. Stefano Cavazzoni, Senator, Former Minister of Labour.

His Majesty the Emperor of Japan:

M. Setsuzo Sawada, Minister Plenipotentiary, Director of the Japanese Bureau accredited to the League of Nations;

M. Shigeo Ohdachi, Secretary at the Ministry for Home Affairs, Head of the Administrative Section.

The President of the Republic of Liberia:

Dr. Antoine Sottile, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

The President of the Republic of Lithuania:

Dr. Dovas Zaunius, Minister for Foreign Affairs.

M. Juozas Sakalauskas, Head of Section at the Ministry for Foreign Affairs.

Her Royal Highness the Grand-Duchess of Luxemburg:

M. Charles Vermaire, Consul at Geneva.

The President of the United States of Mexico:

M. Salvador Martínez de Alva, Permanent Observer accredited to the League of Nations.

His Serene Highness the Prince of Monaco:

M. Conrad E. Hentsch, Consul-General at Geneva.

The President of the Republic of Panama:

Dr. Ernesto Hoffman, Consul-General at Geneva.

The President of the Republic of Paraguay:

Dr. Ramón V. Caballero de Bedoya, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Permanent Delegate accredited to the League of Nations.

Her Majesty the Queen of the Netherlands:

M. W. G. van Wettum, Government Adviser for International Opium Questions.

His Imperial Majesty the Shah of Persia:

M. A. Sepahbody, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

The President of the Polish Republic:

M. Witold Chodźko, Former Minister.

The President of the Portuguese Republic:

Dr. Augusto de Vasconcellos, Minister Plenipotentiary, General Director of the Portuguese Secretariat of the League of Nations;

Dr. Alexandro Ferraz de Andrade, First Secretary of Legation, Chief of the Portuguese Office accredited to the League of Nations.

His Majesty the King of Roumania:

M. Constantin Antoniadé, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

I Capitani Reggenti of the Republic of San Marino:

Professor C. E. Ferri, Advocate.

His Majesty the King of Siam:

His Serene Highness Prince Damras, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Permanent Representative accredited to the League of Nations.

His Majesty the King of Sweden:

M. K. I. Westman, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The Swiss Federal Council:

M. Paul Dinichert, Minister Plenipotentiary, Chief of the Division for Foreign Affairs of the Federal Political Department;

Dr. Henri Carrière, Director of the Federal Service of Public Health.

The President of the Czechoslovak Republic:

M. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

The President of the Republic of Uruguay:

Dr. Alfredo de Castro, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the United States of Venezuela:

Dr. L. G. Chacín-Itriago, Chargé d'Affaires at Berne, Member of the Medical Academy of Caracas.

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

CHAPTER I. DEFINITIONS

Article 1

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention:

1. The term "Geneva Convention" shall denote the International Opium Convention signed at Geneva on February 19th, 1925.

2. The term "the drugs" shall denote the following drugs whether partly manufactured or completely refined:

Group I

Sub-Group (a):

- (i) Morphine and its salts, including preparations made directly from raw or medicinal opium and containing more than 20 per cent of morphine;
- (ii) Diacetylmorphine and the other esters of morphine and their salts;
- (iii) Cocaine and its salts, including preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine, all the esters of ecgonine and their salts;
- (iv) Dihydrohydroxycodone (of which the substance registered under the name of eucodal is a salt); dihydrocodeinone (of which the substance registered under the name of dicodide is a salt), dihydromorphinone (of which the substance registered under the name of dilaudid is a salt), acetyl-dihydrocodeinone or acetyldemethyldihydrothebaine (of which the substance registered under the name of acedicone is a salt); dihydromorphine (of which the substance registered under the name of paramorfan is a salt), their esters and the salts of any of these substances and of their esters, morphine-N-oxide (registered trade name genomorphine), also the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.

Sub-Group (b):

Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine and their salts, except methylmorphine (codeine), ethylmorphine and their salts.

Group II

Methylmorphine (codeine), ethylmorphine and their salts.

The substances mentioned in this paragraph shall be considered as drugs even if produced by a synthetic process.

The terms "Group I" and "Group II" shall respectively denote Groups I and II of this paragraph.

3. "Raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum* L., which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

"Medical opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

"Morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{17}O_3N$.

"Diacetylmorphine" means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{23}O_5N$ ($C_{17}H_{17}(C_2H_3O)_2O_3N$).

"Coca leaf" means the leaf of the *Erythroxylon* Coca Lamarck and the *Erythroxylon novogranatense* (Morris) *Hieronymus* and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine, either directly or by chemical transformation.

"Cocaine" means methyl-benzoyl laevo-ecgonine ($[\alpha]_D^{20} = -16.4$) in 20 percent solution of chloroform of which the formula is $C_{17}H_{21}O_4N$.

"Ecgonine" means laevo-ecgonine ($[\alpha]_D^{20} = -45.6$ in 5 per cent solution of water), of which the formula is $C_9H_{15}O_3N.H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery.

The following drugs are defined by their chemical formulæ as set out below:

Dihydrohydrooxycodcinone	$C_{18}H_{21}O_4N$	
Dihydrocodeinone	$C_{18}H_{21}O_3N$	
Dihydromorphinone	$C_{17}H_{19}O_3N$	
Acetyldihydrocodeinone or Acetyldemethylodihydro- thebaine. }	$C_{20}H_{23}O_4N$	$(C_{18}H_{19}(C_2H_3O)O_3N)$
Dihydromorphine	$C_{17}H_{21}O_3N$	
Morphine-N-Oxide	$C_{17}H_{19}O_4N$	
Thebaine	$C_{10}H_{17}O_3N$	
Methylmorphine (codeine)	$C_{18}H_{21}O_2N$	$(C_{17}H_{18}(CH_3O)O_2N)$
Ethylmorphine	$C_{19}H_{23}O_2N$	$(C_{17}H_{18}(C_2H_5O)O_2N)$
Benzylmorphine	$C_{24}H_{29}O_2N$	$(C_{17}H_{18}(C_7H_7O)O_2N)$

4. The term "manufacture" shall include any process of refining.

The term "conversion" shall denote the transformation of a drug by a chemical process, with the exception of the transformation of alkaloids into their salts.

When one of the drugs is converted into another of the drugs this operation shall be considered as conversion in relation to the first-mentioned drug and as manufacture in relation to the other.

The term "estimates" shall denote estimates furnished in accordance with Articles 2 to 5 of this Convention and, unless the context otherwise requires, shall include supplementary estimates.

The term "reserve stocks" in relation to any of the drugs shall denote the stocks required

(i) For the normal domestic consumption of the country or territory in which they are maintained,

(ii) For conversion in that country or territory, and

(iii) For export.

The term "Government stocks" in relation to any of the drugs shall denote stocks kept under Government control for the use of the Government and to meet exceptional circumstances.

Except where the context otherwise requires, the term "export" shall be deemed to include re-export.

CHAPTER II. ESTIMATES

Article 2

1. Each High Contracting Party shall furnish annually, for each of the drugs in respect of each of his territories to which this Convention applies, to the Permanent Central Board, constituted under Chapter VI of the Geneva Convention, estimates in accordance with the provisions of Article 5 of this Convention.

2. In the event of any High Contracting Party failing to furnish, by the date specified in paragraph 4 of Article 5, an estimate in respect of any of his territories to which this Convention applies, an estimate will, so far as possible, be furnished by the Supervisory Body specified in paragraph 6 of Article 5.

3. The Permanent Central Board shall request estimates for countries or territories to which this Convention does not apply to be made in accordance with the provisions of this Convention. If for any such country estimates are not furnished, the Supervisory Body shall itself, as far as possible, make the estimate.

Article 3

Any High Contracting Party may, if necessary, in any year furnish in respect of any of his territories supplementary estimates for that territory for

that year with an explanation of the circumstances which necessitate such supplementary estimates.

Article 4

1. Every estimate furnished in accordance with the preceding Articles, so far as it relates to any of the drugs required for domestic consumption in the country or territory in respect of which it is made, shall be based solely on the medical and scientific requirements of that country or territory.

2. The High Contracting Parties may, in addition to reserve stocks, create and maintain Government stocks.

Article 5

1. Each estimate provided for in Articles 2 to 4 of this Convention shall be in the form from time to time prescribed by the Permanent Central Board and communicated by the Board to all the Members of the League of Nations and to the non-member States mentioned in Article 27.

2. Every estimate shall show for each country or territory for each year in respect of each of the drugs whether in the form of alkaloid or salts or of preparations of the alkaloids or salts:

(a) The quantity necessary for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export;

(b) The quantity necessary for the purpose of conversion, whether for domestic consumption or for export;

(c) The amount of the reserve stocks which it is desired to maintain:

(d) The quantity required for the establishment and maintenance of any Government stocks as provided for in Article 4.

The total of the estimates for each country or territory shall consist of the sum of the amounts specified under (a) and (b) of this paragraph with the addition of any amounts which may be necessary to bring the reserve stocks and the Government stocks up to the desired level, or after deduction of any amounts by which those stocks may exceed that level. These additions or deductions shall, however, not be taken into account except in so far as the High Contracting Parties concerned shall have forwarded in due course the necessary estimates to the Permanent Central Board.

3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand, the estimates must indicate the extent of the margin so included. It is understood that in the case of any of the drugs which are or may be included in Group II, a wider margin may be necessary than in the case of the other drugs.

4. Every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made.

5. Supplementary estimates shall be sent to the Permanent Central Board immediately on their completion.

6. The estimates will be examined by a Supervisory Body. The Advisory Committee on the Traffic in Opium and other Dangerous Drugs of the League of Nations, the Permanent Central Board, the Health Committee of the League of Nations and the Office international d'Hygiène publique shall each have the right to appoint one member of this Body. The Secretariat of the Supervisory Body shall be provided by the Secretary-General of the League of Nations, who will ensure close collaboration with the Permanent Central Board.

The Supervisory Body may require any further information or details, except as regards requirements for Government purposes, which it may consider necessary, in respect of any country or territory on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein, and may, with the consent of the Government concerned, amend any estimate in accordance with any information or details so obtained. It is understood that in the case of any of the drugs which are or may be included in Group II a summary statement shall be sufficient.

7. After examination by the Supervisory Body as provided in paragraph 6 above of the estimates furnished, and after the determination by that Body as provided in Article 2 of the estimates for each country or territory on behalf of which no estimates have been furnished, the Supervisory Body shall forward, not later than November 1st in each year, through the intermediary of the Secretary-General, to all the Members of the League of Nations and non-member States referred to in Article 27, a statement containing the estimates for each country or territory, and, so far as the Supervisory Body may consider necessary, an account of any explanations given or required in accordance with paragraph 6 above, and any observations which the Supervisory Body may desire to make in respect of any such estimate or explanation, or request for an explanation.

8. Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with without delay by the Supervisory Body in accordance with the procedure specified in paragraphs 6 and 7 above.

CHAPTER III. LIMITATION OF MANUFACTURE

Article 6

1. There shall not be manufactured in any country or territory in any one year a quantity of any of the drugs greater than the total of the following quantities:

(a) The quantity required within the limits of the estimates for that country or territory for that year for use as such for its medical and scientific needs including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export;

(b) The quantity required within the limits of the estimates for that country or territory for that year for conversion, whether for domestic consumption or for export;

(c) Such quantity as may be required by that country or territory for the execution during the year of orders for export in accordance with the provisions of this Convention;

(d) The quantity, if any, required by that country or territory for the purpose of maintaining the reserve stocks at the level specified in the estimates for that year;

(e) The quantity, if any, required for the purpose of maintaining the Government stocks at the level specified in the estimates for that year.

2. It is understood that, if at the end of any year, any High Contracting Party finds that the amount manufactured exceeds the total of the amounts specified above, less any deductions made under Article 7, paragraph 1, such excess shall be deducted from the amount to be manufactured during the following year. In forwarding their annual statistics to the Permanent Central Board, the High Contracting Parties shall give the reasons for any such excess.

Article 7

There shall be deducted from the total quantity of each drug permitted under Article 6 to be manufactured in any country or territory during any one year:

(i) Any amounts of that drug imported including any returned deliveries of the drug, less quantities re-exported.

(ii) Any amounts of the drug seized and utilised as such for domestic consumption or for conversion.

If it should be impossible to make any of the above deductions during the course of the current year, any amounts remaining in excess at the end of the year shall be deducted from the estimates for the following year.

Article 8

The full amount of any of the drugs imported into or manufactured in any country or territory for the purpose of conversion in accordance with the estimates for that country or territory shall, if possible, be utilised for that purpose within the period for which the estimate applies.

In the event, however, of its being impossible to utilise the full amount for that purpose within the period in question, the portion remaining unused

at the end of the year shall be deducted from the estimates for that country or territory for the following year.

Article 9

If at the moment when all the provisions of the Convention shall have come into force, the then existing stocks of any of the drugs in any country or territory exceeds the amount of the reserve stocks of that drug, which, according to the estimates for that country or territory, it is desired to maintain, such excess shall be deducted from the quantity which, during the year, could ordinarily be imported or manufactured as the case may be under the provisions of this Convention.

Alternatively, the excess stocks existing at the moment when all the provisions of the Convention shall have come into force shall be taken possession of by the Government and released from time to time in such quantities only as may be in conformity with the present Convention. Any quantities so released during any year shall be deducted from the total amount to be manufactured or imported as the case may be during that year.

CHAPTER IV. PROHIBITIONS AND RESTRICTIONS

Article 10

1. The High Contracting Parties shall prohibit the export from their territories of diacetylmorphine, its salts, and preparations containing diacetylmorphine, or its salts.

2. Nevertheless, on the receipt of a request from the Government of any country in which diacetylmorphine is not manufactured, any High Contracting Party may authorise the export to that country of such quantities of diacetylmorphine, its salts, and preparations containing diacetylmorphine or its salts, as are necessary for the medical and scientific needs of that country, provided that the request is accompanied by an import certificate and is consigned to the Government Department indicated in the certificate.

3. Any quantities so imported shall be distributed by and on the responsibility of the Government of the importing country.

Article 11

1. No trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not in use on this day's date for medical or scientific purposes shall take place in any country or territory unless and until it has been ascertained to the satisfaction of the Government concerned that the product in question is of medical or scientific value.

In this case (unless the Government determines that such product is not capable of producing addiction or of conversion into a product capable of producing addiction) the quantities permitted to be manufactured, pending

the decision hereinafter referred to, shall not exceed the total of the domestic requirements of the country or territory for medical and scientific needs, and the quantity required for export orders and the provisions of this Convention shall apply.

2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary-General of the League of Nations, who shall advise the other High Contracting Parties and the Health Committee of the League.

3. The Health Committee will thereupon, after consulting the Permanent Committee of the Office international d'Hygiène publique, decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in sub-group (b) of Group I or in Group II).

4. In the event of the Health Committee deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Opium Advisory Committee of the League, and the third by the two members so selected.

5. Any decisions arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the League of Nations, who will communicate it to all the Members of the League and to the non-member States mentioned in Article 27.

6. If the decisions are to the effect that the product in question is capable of producing addiction or is convertible into a drug capable of producing addiction, the High Contracting Parties will, upon receipt of the communication from the Secretary-General, apply to the drug the appropriate régime laid down in the present Convention according as to whether it falls under Group I or under Group II.

7. Any such decisions may be revised, in accordance with the foregoing procedure, in the light of further experience, on an application addressed by any High Contracting Party to the Secretary-General.

Article 12

1. No import of any of the drugs into the territories of any High Contracting Party or export from those territories shall take place except in accordance with the provisions of this Convention.

2. The imports in any one year into any country or territory of any of the drugs shall not exceed the total of the estimates as defined in Article 5 and

of the amount exported from that country or territory during the year, less the amount manufactured in that country or territory in that year.

CHAPTER V. CONTROL

Article 13

1. (a) The High Contracting Parties shall apply to all the drugs in Group I the provisions of the Geneva Convention which are thereby applied to substances specified in its fourth Article (or provisions in conformity therewith). The High Contracting Parties shall also apply these provisions to preparations made from morphine and cocaine and covered by Article 4 of the Geneva Convention and to all other preparations made from the other drugs in Group I except such preparations as may be exempted from the provisions of the Geneva Convention under its eighth Article.

(b) The High Contracting Parties shall treat solutions or dilutions of morphine or cocaine or their salts in an inert substance, liquid or solid, which contain 0.2 per cent or less of morphine or 0.1 per cent or less of cocaine in the same way as preparations containing more than these percentages.

2. The High Contracting Parties shall apply to the drugs which are or may be included in Group II the following provisions of the Geneva Convention (or provisions in conformity therewith) :

(a) The provisions of Articles 6 and 7 in so far as they relate to the manufacture, import, export and wholesale trade in those drugs;

(b) The provisions of Chapter V, except as regards compounds containing any of these drugs which are adapted to a normal therapeutic use;

(c) The provisions of paragraphs 1 (b), (c) and (e) and paragraph 2 of Article 22, provided :

(i) That the statistics of import and export may be sent annually instead of quarterly, and

(ii) That paragraph 1 (b) and paragraph 2 of Article 22 shall not apply to preparations containing any of these drugs.

Article 14

1. Any Government which has issued an authorisation for the export of any of the drugs which are or may be included in Group I to any country or territory to which neither this Convention nor the Geneva Convention applies shall immediately notify the Permanent Central Board of the issue of the authorisation; provided that, if the request for export amounts to 5 kilogrammes or more, the authorisation shall not be issued until the Government has ascertained from the Permanent Central Board that the export will not cause the estimates for the importing country or territory to be exceeded.

If the Permanent Central Board sends a notification that such an excess would be caused, the Government will not authorise the export of any amount which would have that effect.

2. If it appears from the import and export returns made to the Permanent Central Board or from the notifications made to the Board in pursuance of the preceding paragraph that the quantity exported or authorised to be exported to any country or territory exceeds the total of the estimates for that country or territory as defined in Article 5, with the addition of the amounts shown to have been exported, the Board shall immediately notify the fact to all the High Contracting Parties, who will not, during the currency of the year in question, authorise any new exports to that country except:

(i) In the event of a supplementary estimate being furnished for that country in respect both of any quantity over-imported and of the additional quantity required; or

(ii) In exceptional cases where the export in the opinion of the Government of the exporting country is essential in the interests of humanity or for the treatment of the sick.

3. The Permanent Central Board shall each year prepare a statement showing, in respect of each country or territory for the preceding year:

- (a) The estimates in respect of each drug;
- (b) The amount of each drug consumed;
- (c) The amount of each drug manufactured;
- (d) The amount of each drug converted;
- (e) The amount of each drug imported;
- (f) The amount of each drug exported;
- (g) The amount of each drug used for the compounding of preparations, exports of which do not require export authorisations.

If such statement indicates that any High Contracting Party has or may have failed to carry out his obligations under this Convention, the Board shall have the right to ask for explanations, through the Secretary-General of the League of Nations, from that High Contracting Party, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.

The Board shall, as soon as possible thereafter, publish the statement above mentioned together with an account, unless it thinks it unnecessary, of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect to any such explanation or request for an explanation.

The Permanent Central Board shall take all necessary measures to ensure that the statistics and other information which it receives under this Convention shall not be made public in such a manner as to facilitate the operations

of speculators or to injure the legitimate commerce of any High Contracting Party.

CHAPTER VI. ADMINISTRATIVE PROVISIONS

Article 15

The High Contracting Parties shall take all necessary legislative or other measures in order to give effect within their territories to the provisions of this Convention.

The High Contracting Parties shall, if they have not already done so, create a special administration for the purpose of:

- (a) Applying the provisions of the present Convention;
- (b) Regulating, supervising and controlling the trade in the drugs;
- (c) Organising the campaign against drug addiction, by taking all useful steps to prevent its development and to suppress the illicit traffic.

Article 16

1. Each High Contracting Party shall exercise a strict supervision over:

(a) The amounts of raw material and manufactured drugs in the possession of each manufacturer for the purpose of the manufacture or conversion of any of the drugs or otherwise;

(b) The quantities of the drugs or preparations containing the drugs produced;

(c) The disposal of the drugs and preparations so produced with especial reference to deliveries from the factories.

2. No High Contracting Party shall allow the accumulation in the possession of any manufacturer of quantities of raw materials in excess of those required for the economic conduct of business, having regard to the prevailing market conditions. The amounts of raw material in the possession of any manufacturer at any one time shall not exceed the amounts required by that manufacturer for manufacture during the ensuing six months, unless the Government, after due investigation, considers that exceptional conditions warrant the accumulation of additional amounts, but in no case shall the total quantities which may be accumulated exceed one year's supply.

Article 17

Each High Contracting Party shall require each manufacturer within his territories to submit quarterly reports stating:

(a) The amount of raw materials and of each of the drugs received into the factory by such manufacturer and the quantities of the drugs, or any other products whatever, produced from each of these substances. In reporting the amounts of raw materials so received, the manufacturer shall state the proportion of morphine, cocaine or ecgonine contained in or producible therefrom

as determined by a method prescribed by the Government and under conditions considered satisfactory by the Government;

(b) The quantities of either the raw material or the products manufactured therefrom which were disposed of during the quarter;

(c) The quantities remaining in stock at the end of the quarter.

Each High Contracting Party shall require each wholesaler within his territories to make at the close of each year a report stating, in respect of each of the drugs, the amount of that drug contained in preparations, exported or imported during the year, for the export or import of which authorisations are not required.

Article 18

Each High Contracting Party undertakes that any of the drugs in Group I which are seized by him in the illicit traffic shall be destroyed or converted into non-narcotic substances or appropriated for medical or scientific use, either by the Government or under its control, when these are no longer required for judicial proceedings or other action on the part of the authorities of the State. In all cases diacetylmorphine shall either be destroyed or converted.

Article 19

The High Contracting Parties will require that the labels under which any of the drugs, or preparations containing those drugs, are offered for sale, shall show the percentage of the drugs. These labels shall also indicate the name of the drugs as provided for in the national legislation.

CHAPTER VII. GENERAL PROVISIONS

Article 20

1. Every High Contracting Party in any of whose territories any of the drugs is being manufactured or converted, at the time when this Convention comes into force, or in which he proposes either at that time or subsequently to authorise such manufacture or conversion, shall notify the Secretary-General of the League of Nations indicating whether the manufacture or conversion is for domestic needs only or also for export, the date on which such manufacture or conversion will begin, and the drugs to be manufactured or converted as well as the names and addresses of persons or firms authorised.

2. In the event of the manufacture or conversion of any of the drugs ceasing in the territory of any High Contracting Party, he shall notify the Secretary-General to that effect, indicating the place and date at which such manufacture or conversion has ceased or will cease and specifying the drugs affected, as well as the names and addresses of persons or firms concerned.

3. The information furnished under this Article shall be communicated by the Secretary-General to the High Contracting Parties.

Article 21

The High Contracting Parties shall communicate to one another through the Secretary-General of the League of Nations the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General an annual report on the working of the Convention in their territories, in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Article 22

The High Contracting Parties shall include in the annual statistics furnished by them to the Permanent Central Board the amounts of any of the drugs used by manufacturers and wholesalers for the compounding of preparations whether for domestic consumption or for export for the export of which export authorisations are not required.

The High Contracting Parties shall also include a summary of the returns made by the manufacturers in pursuance of Article 17.

Article 23

The High Contracting Parties will communicate to each other, through the Secretary-General of the League of Nations, as soon as possible, particulars of each case of illicit traffic discovered by them which may be of importance either because of the quantities involved or because of the light thrown on the sources from which drugs are obtained for the illicit traffic or the methods employed by illicit traffickers.

The particulars given shall indicate as far as possible:

- (a) The kind and quantity of drugs involved;
- (b) The origin of the drugs, their marks and labels;
- (c) The points at which the drugs were diverted into the illicit traffic;
- (d) The place from which the drugs were despatched, and the names of shipping or forwarding agents or consignors; the methods of consignment and the name and address of consignees, if known;
- (e) The methods and routes used by smugglers and names of ships, if any, in which the drugs have been shipped;
- (f) The action taken by the Government in regard to the persons involved, particularly those possessing authorisations or licences and the penalties imposed.
- (g) Any other information which would assist in the suppression of illicit traffic.

Article 24

The present Convention shall supplement the Hague Convention of 1912 and the Geneva Convention of 1925 in the relations between the High Contracting Parties bound by at least one of these latter Conventions.

Article 25

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920,⁸ relating to the Statute of that Court, and, if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 26

Any High Contracting Party may, at the time of signature, ratification, or accession, declare that, in accepting the present Convention, he does not assume any obligation in respect of all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all territories named in such notice in the same manner as in the case of a country ratifying or acceding to the Convention.

Any High Contracting Party may, at any time after the expiration of the five-years period mentioned in Article 32, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration as if it were a denunciation under the provisions of Article 32.

The Secretary-General shall communicate to all the Members of the League and to the non-member States mentioned in Article 27, all declarations and notices received in virtue of this Article.

⁸ 6 LNTS 379. The United States did not become a party.

⁹ TS 536, *ante*, vol. 1, p. 577.

Article 27

The present Convention, of which the French and English texts shall both be authoritative, shall bear this day's date, and shall, until December 31st, 1931, be open for signature on behalf of any Member of the League of Nations, or of any non-member State which was represented at the Conference which drew up this Convention, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 28

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding Article.

Article 29

As from January 1st, 1932, the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-member State mentioned in Article 27.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in that Article.

Article 30

The present Convention shall come into force ninety days after the Secretary-General of the League of Nations has received the ratifications or accessions of twenty-five Members of the League of Nations or non-member States, including any four of the following:

France, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, Netherlands, Switzerland, Turkey, and the United States of America.

Provided always that the provisions of the Convention other than Articles 2 to 5 shall only be applicable from the first of January in the first year in respect of which estimates are furnished in conformity with Articles 2 to 5.

Article 31

Ratifications or accessions received after the date of the coming into force of this Convention shall take effect as from the expiration of the period of ninety days from the date of their receipt by the Secretary-General of the League of Nations.

Article 32

After the expiration of five years from the date of the coming into force of this Convention, the Convention may be denounced by an instrument in

writing, deposited with the Secretary-General of the League of Nations. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year. Each denunciation shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League and the non-member States mentioned in Article 27 of any denunciations received.

If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than twenty-five, the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this Article.

Article 33

A request for the revision of the present Convention may at any time be made by any Member of the League of Nations or non-member State bound by this Convention by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other Members of the League of Nations or non-member States bound by this Convention, and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention.

Article 34

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 27.

Germany:

FRIEHR VON RHEINBACH
DR. KAHLER

United States of America:

JOHN K. CALDWELL
HARRY J. ANSLINGER
WALTER LEWIS TREADWAY
SANBORN YOUNG

(1) The Government of the United States of America reserves the right to

impose, for purpose of internal control and control of import into and export from territory under its jurisdiction, of opium, coca leaves, all of their derivatives and similar substances produced by synthetic process, measures stricter than the provisions of the Convention.

(2) The Government of the United States of America reserves the right to impose, for purposes of controlling transit through its territories of raw

opium, coca leaves, all of their derivatives and similar substances produced by synthetic process, measures by which the production of an import permit issued by the country of destination may be made a condition precedent to the granting of permission for transit through its territory.

(3) The Government of the United States of America finds it impracticable to undertake to send statistics of import and export to the Permanent Central Opium Board short of sixty days after the close of the three-months' period to which such statistics refer.

(4) The Government of the United States of America finds it impracticable to undertake to state separately amounts of drugs purchased or imported for Government purposes.

(5) Plenipotentiaries of the United States of America formally declare that the signing of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs by them on the part of the United States of America on this date is not to be construed to mean that the Government of the United States of America recognises a regime or entity which signs or accedes to the Convention as the Government of a country when that regime or entity is not recognised by the Government of the United States of America as the Government of that country.

(6) The plenipotentiaries of the United States of America further declare that the participation of the United States of America in the Convention for limiting the manufacture of and regulating the distribution of narcotic drugs, signed on this date, does not involve any contractual obligation on the part of the United States of America to a country represented by a regime or entity which the Government of the United States of America does not recognise as the Government of that country until such country has a Government recognised by the Government of the United States of America.

J. K. C.

H. J. A.

W. L. T.

S. Y.

Argentine Republic:

Ad referendum.

FERNANDO PEREZ

Austria:

E. PFLÜGL

D^r BRUNO SCHULTZ

Belgium:

D^r F. DE MYTTEAERE

Bolivia:

M. CUELLAR

Brazil:

RAUL DO RIO BRANCO

Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations.

MALCOLM DELEIVINGNE

Canada:

C. H. L. SHARMAN

W. A. RIDDELL

India:

R. P. PARANJPYE

Chile:

ENRIQUE J. GAJARDO V.

Costa Rica:

VIRIATO FIGUEREDO LORA.

Cuba:

G. DE BLANCK

D^r B. PRIMELLES

Denmark:

GUSTAV RASMUSSEN

Free City of Danzig:

F. SOKAL

Dominican Republic:

CH. ACKERMANN

Egypt:

T. W. RUSSELL

Spain:

JULIO CASARES

Abyssinia:

C^{te} LAGARDE DUC D'ENTOTTO

France:

The French Government makes every reservation, with regard to the Colonies, Protectorates and Mandated Territories under its authority, as to the possibility of regularly producing the quarterly statistics referred to in Article 13 within the strict time-limit laid down [translation].

G. BOURGOIS

Greece:

R. RAPHAËL

Guatemala:

LUIS MARTÍNEZ MONT.

Hejaz, Nejd and Dependencies:

HAFIZ WAHBA

Italy:

CAVAZZONI Stefano

Japan:

S. SAWADA

S. OHDACHI

Liberia:

D^r A. SOTTILE

Subject to ratification by the Senate
of the Republic of Liberia [translation].

Lithuania:

ZAUNIS.

Luxemburg:

CH. G. VERMAIRE

Mexico:

S. MARTÍNEZ DE ALVA

Monaco:

C. HENTSCH.

Panama:

D^r ERNESTO HOFFMANN.

Paraguay:

R. V. CABALLERO DE BEDOYA

The Netherlands:

v. WETTUM

Persia:

A. SEPAHBODY

Poland:

CHODŹKO

Portugal:

AUGUSTO DE VASCONCELLOS

A. M. FERRAZ DE ANDRADE

Roumania:

C. ANTONIADE

San Marino:

FERRI Charles Emile

Siam:

DAMRAS

As our Harmful Habit-forming Drugs
Law goes beyond the provisions of the
Geneva Convention and the present
Convention on certain points, my Gov-
ernment reserves the right to apply our
existing law [translation].

Sweden:

K. I. WESTMAN

Switzerland:

PAUL DINICHERT

D^r H. CARRIÈRE

Czechoslovakia:

ZD. FIERLINGER

Uruguay:

ALFREDO DE CASTRO

Venezuela:

Ad referendum

L. G. CHACÍN ITRIAGO

PROTOCOL OF SIGNATURE

I. When signing the Convention for limiting the manufacture and regulating the distribution of narcotic drugs dated this day, the undersigned Plenipotentiaries, duly authorised to that effect and in the name of their respective Governments, declare to have agreed as follows:

If, on July 13th, 1933, the said Convention is not in force in accordance with the provisions of Article 30, the Secretary-General of the League of Nations shall bring the situation to the attention of the Council of the League of Nations, which may either convene a new Conference of all the Members of the League and non-member States on whose behalf the Convention has been signed or ratifications or accessions deposited, to consider the situation, or take such measures as it considers necessary. The Government of every signatory or acceding Member of the League of Nations or non-member State undertakes to be present at any Conference so convened.

II. The Japanese Government made the following reservation, which is accepted by the other High Contracting Parties:

Crude morphine resulting from the manufacture of prepared opium in the factory of the Government-General of Formosa and held in stock

by that Government shall not be subjected to the limitation measures provided for in this Convention.

Such stocks of crude morphine will only be released from time to time in such quantities as may be required for the manufacture of refined morphine in factories licensed by the Japanese Government in accordance with the provisions of the present Convention.

In faith whereof the undersigned have affixed their signatures to this Protocol.

Done at Geneva, the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified true copies will be transmitted to all Members of the League of Nations and to all non-member States represented at the Conference.

Germany:

FREIHERR VON RHEINBABEN
Dr. KAHLER

United States of America:

JOHN K. CALDWELL
HARRY J. ANSLINGER
WALTER LEWIS TREADWAY
SANBORN YOUNG

Argentine Republic:

Ad referendum
FERNANDO PEREZ

Austria:

D^r E. PFLÜGL
D^r BRUNO SCHULTZ

Belgium:

D^r F. DE MYTENNAERE

Bolivia:

M. CUELLAR

Brazil:

RAUL DO RIO BRANCO

Great Britain and Northern Ireland and
all parts of the British Empire
which are not separate Members of
the League of Nations.

MALCOLM DELEIVINGNE

Canada:

C. H. L. SHARMAN
W. A. RIDDELL

India:

R. P. PARANJPYE

Chile:

ENRIQUE J. GAJARDO V.

Costa Rica:

VIRIATO FIGUEREDO LORA

Cuba:

G. DE BLANCK
Dr. B. PRIMELLES

Denmark:

GUSTAV RASMUSSEN

Free City of Danzig:

F. SOKAL

Dominican Republic:

CH. ACKERMANN

Egypt:

T. W. RUSSELL

Spain:

JULIO CASARES

Abyssinia:

C^{te} LAGARDE DUC D'ENTOTTO

France:

G. BOURGOIS

Greece:

R. RAPHAËL

Guatemala:

LUIS MARTÍNEZ MONT.

Hejaz, Nejd and Dependencies:

HAFIZ WAHBA

Italy:

CAVAZZONI Stefano

Japan:

S. SAWADA
S. OHDACHI

Lithuania:

J. SAKALAUSKAS

Luxemburg:

CH. G. VERMAIRE

Mexico:

S. MARTÍNEZ DE ALVA

Monaco:

C. HENTSCH

Panama:

Dr. ERNESTO HOFFMANN

Paraguay:

R. V. CABALLERO DE BEDOYA

The Netherlands:

My signature is subject to the reserve made by me on § 2 of Article 22 in the morning meeting of July 12th, 1931 [translation].

v. WETTUM

Persia:

A. SEPAHBODY

Poland:

CHODŹKO

Portugal:

AUGUSTO DE VASCONCELLOS

A. M. FERRAZ DE ANDRADE

Roumania:

C. ANTONIADE

San Marino:

FERRI Charles Emile

Siam:

DAMRAS

Sweden:

K. J. WESTMAN

Switzerland:

PAUL DINICHERT

D^r H. CARRIÈRE

Uruguay:

ALFREDO DE CASTRO

Venezuela:

Ad referendum

L. G. CHACÍN ITRIAGO

REGULATION OF WHALING

Convention opened for signature at Geneva September 24, 1931, and signed for the United States March 31, 1932

Senate advice and consent to ratification June 10, 1932

Ratified by the President of the United States June 17, 1932

Ratification of the United States deposited with the Secretary-General of the League of Nations July 7, 1932

Entered into force January 16, 1935

Proclaimed by the President of the United States January 16, 1935

49 Stat. 3079; Treaty Series 880

CONVENTION FOR THE REGULATION OF WHALING

His Majesty the King of the Albanians; the President of the German Reich; the President of the United States of America; His Majesty the King of the Belgians; His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India; the President of the Republic of Colombia; His Majesty the King of Denmark and Iceland; the President of the Government of the Spanish Republic; the President of the Republic of Finland; the President of the French Republic; the President of the Hellenic Republic; His Majesty the King of Italy; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic; His Majesty the King of Roumania; the Swiss Federal Council; the President of the Czechoslovak Republic; the President of the Turkish Republic; His Majesty the King of Yugoslavia have appointed as their Plenipotentiaries the following:

His Majesty the King of the Albanians:

M. Lec Kurti, Resident Minister, Permanent Delegate accredited to the League of Nations.

The President of the German Reich:

M. Hans Hermann Völckers, Consul-General at Geneva.

The President of the United States of America:

Mr. Hugh R. Wilson, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of the Belgians:

M. P. Hymans, Minister for Foreign Affairs.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

The Right Honourable Viscount Cecil of Chelwood, K.C.

For the Dominion of Canada:

The Honourable Hugh Guthrie, P.C., K.C., M.P., Minister of Justice and Attorney-General.

For the Commonwealth of Australia:

Mr. James R. Collins, C.M.G., C.B.E., Official Secretary and financial Adviser in the Office of the High Commissioner in London.

For the Dominion of New Zealand:

Sir Thomas Mason Wilford, K.C.M.G., K.C., High Commissioner in London.

For the Union of South Africa:

Mr. C. T. de Water, High Commissioner in London.

For India:

Sir Brojendra L. Mitter, Kt., Law Member of the Viceroy's Executive Council.

The President of the Republic of Colombia:

Dr. A. J. Restrepo, Permanent Delegate accredited to the League of Nations.

His Majesty the King of Denmark and Iceland:

M. William Borberg, Permanent Delegate accredited to the League of Nations.

The President of the Government of the Spanish Republic:

M. Alejandro Lerroux García, Minister of State.

The President of the Republic of Finland:

M. Evald Gyllenbögél, Counsellor of Legation, Permanent Delegate *ad interim* accredited to the League of Nations.

The President of the French Republic:

M. Louis Rollin, Deputy, Minister of Commerce and Industry.

The President of the Hellenic Republic:

M. R. Raphaél, Permanent Delegate accredited to the League of Nations.

His Majesty the King of Italy:

M. Augusto Rosso, Minister Plenipotentiary, Substitute Delegate to the Council of the League of Nations.

The President of the United States of Mexico:

M Salvador Martínez de Alva, Head of the Permanent Office accredited to the League of Nations.

His Majesty the King of Norway:

M. Birger Braadland, Minister for Foreign Affairs.

Her Majesty the Queen of the Netherlands:

Jonkheer F. Beelaerts van Blokland, Minister for Foreign Affairs.

The President of the Polish Republic:

M. Auguste Zaleski, Minister for Foreign Affairs.

His Majesty the King of Roumania:

M. Constantin Antoniadé, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

The Swiss Federal Council:

M. Giuseppe Motta, President of the Swiss Confederation, Head of the Federal Political Department.

The President of the Czechoslovak Republic:

M. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

The President of the Turkish Republic:

Cemal Hüsnü Bey, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of Yugoslavia:

M. Voislav Marinkovitch, Minister for Foreign Affairs.

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

Article 1

The High Contracting Parties agree to take, within the limits of their respective jurisdictions, appropriate measures to ensure the application of the provisions of the present Convention and the punishment of infractions of the said provisions.

Article 2

The present Convention applies only to baleens or whalebone whales.

Article 3

The present Convention does not apply to aborigines dwelling on the coasts of the territories of the High Contracting Parties provided that:

- (1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;
- (2) They do not carry firearms;
- (3) They are not in the employment of persons other than aborigines;
- (4) They are not under contract to deliver the products of their whaling to any third person.

Article 4

The taking or killing of right whales, which shall be deemed to include North-Cape whales, Greenland whales, southern right whales, Pacific right whales and southern pigmy right whales, is prohibited.

Article 5

The taking or killing of calves or suckling whales, immature whales, and female whales which are accompanied by calves (or suckling whales) is prohibited.

Article 6

The fullest possible use shall be made of the carcasses of whales taken. In particular:

1. There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcasses or parts of carcasses as are not intended to be used for human food.

2. Every factory, whether on shore or afloat, used for treating the carcasses of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

3. In the case of whales brought on shore, adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 7

Gunners and crews of whaling vessels shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken, and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 8

No vessel of any of the High Contracting Parties shall engage in taking or treating whales unless a license authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party, whose flag she flies, or unless her owner or charterer has notified the Government of the said High Contracting Party of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that, in addition, a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such licence may be refused or may be made subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, whatever the nationality of the vessel may be.

Article 9

The geographical limits within which the articles of this Convention are to be applied shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10

1. The High Contracting Parties shall obtain, with regard to the vessels flying their flags and engaged in the taking of whales, the most complete biological information practicable with regard to each whale taken, and in any case on the following points:

- (a) Date of taking;
- (b) Place of taking;
- (c) Species;
- (d) Sex;
- (e) Length; measured, when taken out of water; estimated, if cut up in water;
- (f) When foetus is present, length and sex if ascertainable;
- (g) When practicable, information as to stomach contents.

2. The length referred to in sub-paragraphs (e) and (f) of this article shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11

Each High Contracting Party shall obtain from all factories, on land or afloat, under his jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and: (1) the name and tonnage of each floating factory; (2) the number and aggregate

tonnage of the whale catchers; (3) a list of the land stations which were in operation during the period concerned. Such information shall be given at convenient intervals not longer than one year.

Article 13

The obligation of a High Contracting Party to take measures to ensure the observance of the conditions of the present Convention in his territories and territorial waters, and by his vessels, shall not apply to those of his territories to which the Convention does not apply, and the territorial waters adjacent thereto, or to vessels registered in such territories.

Article 14

The present Convention, the French and English texts of which shall both be authoritative, shall remain open until the thirty-first of March 1932 for signature on behalf of any Member of the League of Nations or of any non-member State.

Article 15

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and non-member States indicating the dates of their deposit.

Article 16

As from the first of April 1932, any Member of the League of Nations and any non-member State, on whose behalf the Convention has not been signed before that date, may accede thereto.

The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who shall notify all the Members of the League of Nations and non-member States of their deposit and the date thereof.

Article 17

The present Convention shall enter into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than eight Members of the League or non-member States, including the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

As regards any Member of the League or non-member State on whose behalf an instrument of ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of such instrument.

Article 18

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or

non-member States with regard to which the Convention is then in force, shall convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19

1. The present Convention may be denounced after the expiration of three years from the date of its coming into force.

2. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States of each notification received and of the date of its receipt.

3. Each denunciation shall take effect six months after the receipt of its notification.

Article 20

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate; and the present Convention shall not apply to any territory named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time after the expiration of the period of three years mentioned in Article 19, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration six months after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-member States all declarations and notices received in virtue of this article and the dates of their receipt.

Article 21

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva, on the twenty-fourth day of September one thousand nine hundred and thirty-one, in a single copy which shall be kept in the

archives of the Secretariat of the League of Nations and of which certified true copies shall be delivered to all the Members of the League of Nations and to the non-member States.

Albania:

LEC KURTI

Germany:

Dr. HANS HERMANN VÖLCKERS

United States of America:

HUGH R. WILSON

Belgium:

HYMANS

Great Britain and Northern Ireland
and all parts of the British Empire
which are not separate Members of
the League of the Nations.

CECIL

Canada:

H. GUTHRIE

Commonwealth of Australia:

JAMES R. COLLINS

New Zealand:

THOMAS M. WILFORD

Union of South Africa:

C. T. TE WATER

India:

B. L. MITTER

Colombia:

A. J. RESTREPO

Denmark:

With reservation, until further notice,
as regards Greenland [translation].¹

WILLIAM BORBERG

Spain:

A. LERROUX

Finland:

EVALD GYLLENBÖGEL

France:

LOUIS ROLLIN

Greece:

R. RAPHAËL

Italy:

AUGUSTO ROSSO

Mexico:

S. MARTÍNEZ DE ALVA

Norway:

BIRGER BRAADLAND

The Netherlands:

For the Kingdom in Europe and The
Netherlands Indies [translation].

BEELAERTS VAN BLOKLAND

Poland:

AUGUSTE ZALESKI

Roumania:

C. ANTONIADE

Switzerland:

MOTTA

Czechoslovakia:

ZD. FIERLINGER

Turkey:

CEMAL HÜSNÜ

Yugoslavia:

D^r. V. MARINKOVITCH

¹ Reservation withdrawn upon deposit of ratification.

POSTAL UNION OF THE AMERICAS AND SPAIN

*Convention, final protocol of convention, and provisions relative to transportation of correspondence by air signed at Madrid November 10, 1931*¹

Ratified and approved by the Postmaster General of the United States February 1, 1932

Approved by the President of the United States February 3, 1932

Ratification of the United States deposited at Madrid August 11, 1932

Entered into force March 1, 1932

*Terminated by convention of December 22, 1936*²

47 Stat. 1924; Post Office Department print

[TRANSLATION]

CONVENTION

concluded between Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, the Dominican Republic, Ecuador, El Salvador, Spain, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries above enumerated, assembled in Congress in Madrid, making use of the right granted them by Article 5 of the Convention of the Universal Postal Union in force and inspired by the desire to extend and perfect their postal relations and establish a solidarity of action capable of representing effectively in the Universal Postal Congresses their common interests in regard to communications by mail, have agreed to conclude, subject to ratification, the following Convention:

ARTICLE 1

Postal Union of the Americas and Spain

The contracting countries, in accordance with the foregoing declaration, constitute, under the name of Postal Union of the Americas and Spain, a single postal territory.

¹ For text of regulations for execution of the convention, see 47 Stat. 1942; for texts of six resolutions of the Third Pan American Postal Congress, see 47 Stat. 1955.

² *Post*, p. 302.

ARTICLE 2

Restricted Unions

1. The contracting countries, whether on account of their adjacent location or on account of the intensity of their postal relations, may establish closer unions among themselves, with a view to the reduction of rates or the introduction of other improvements in any of the services referred to in the present Convention or in the Special Agreements concluded by this Congress.

2. Likewise, concerning matters not provided for in the present Convention, or in that of the Universal Postal Union, the signatory countries may adopt among themselves such resolutions as they may deem necessary through correspondence, or, if necessary, by establishing a special Agreement in accordance with the authorization conferred upon them by the present Article or by their domestic legislation.

ARTICLE 3

Free and gratuitous transit

1. The gratuity of territorial, fluvial and maritime transit is absolute in the territory of the Postal Union of the Americas and Spain; consequently, the countries which form it obligate themselves to transport across their territories and to convey by the ships of their registry or flag which they utilize for the transportation of their own correspondence, without any charge whatsoever to the contracting countries, all that which the latter may send to any destination.

2. In cases of reforwarding, the contracting countries are bound to reforward the correspondence by the ways and means which they utilize for their own dispatches.

ARTICLE 4

Postage rates

The postage rates of the domestic service of each country will govern in the relations of the countries which constitute the Postal Union of the Americas and Spain, except when said domestic postage rates are higher than those applicable to the correspondence destined for the countries of the Universal Postal Union, in which case the latter will govern.

ARTICLE 5

Articles of correspondence

The provisions of this Convention shall apply to letters, single and reply post cards, prints of all kinds, commercial papers, samples without value, small packets and insured articles. Nevertheless, the services of small packets

and insured articles are limited to the countries which agree to execute them, either in their reciprocal relations or in one direction only.

ARTICLE 6

Registered correspondence—Responsibility

1. The articles designated in Article 5, may be sent under registration upon payment of a fee equal to that which the Administration of origin has established in its service.

2. Save in cases of force majeure, the contracting Administrations will be responsible for the loss of every registered article. The sender will have the right to an indemnity which shall not in any case exceed three dollars or its equivalent in gold francs.

3. Nevertheless, the Administrations will be relieved of responsibility for the loss of a registered article whose contents fall under the prohibitions mentioned in Article 11 of the present Convention, or which are prohibited by the laws and regulations of the country of origin or of destination, provided that said country has given due notice by the usual means.

4. There is established, as optional, a special category of registers without the right to indemnity, applicable to books, periodicals and other prints, commercial papers, and samples without value, subject to payment, in addition to the ordinary postage, of a reduced fee whose amount shall be fixed by the Administrations concerned. Nevertheless, the Administrations which adopt this new type of registers, may apply it to the same extent to which they have established it in their domestic service.

ARTICLE 7

Obligatory prepayment

1. The complete prepayment of all classes of correspondence is declared obligatory, including sealed packages, with the exception of letters in their usual and ordinary form, which will be forwarded whenever they bear at least the postage corresponding to a single weight-unit.

2. Other articles not prepaid or insufficiently prepaid will be held at the office of origin, which will proceed with them in the manner determined by its domestic legislation.

3. For insufficiently prepaid letters, only the difference in postage not paid by the sender will be collected from the addressee.

ARTICLE 8

Weight and dimensions

The limits of weight and dimensions of the various articles of correspondence will conform to those fixed for the same by the Universal Postal Conven-

tion in force, with the exception of prints, which, when they constitute a package, may weigh up to four kilograms, such limit being increased to five kilograms in the case of a single volume.

ARTICLE 9

Undelivered post cards

Ordinary post cards which have not been delivered for any reason will be destroyed in the country of destination, unless they bear a request for return and also the name and address of the sender, in which case they will be returned to the country of origin.

ARTICLE 10

Franking privilege

1. The contracting parties agree to grant the franking privilege, both in their domestic service and in the Americo-Spanish service, to the International Office of the Postal Union of the Americas and Spain, to the Transfer Office of Panama and to the members of the Diplomatic Corps of the signatory countries. Consuls will enjoy the franking privilege for the official correspondence which they direct to their respective countries, for that which they exchange among themselves, and for that which they send to the Government of the country in which they are accredited, whenever reciprocity exists. Vice-Consuls will enjoy the same franking privilege when they are discharging the functions of Consuls.

2. The exchange of correspondence of the Diplomatic Corps between the Secretaries of State of the respective countries and their Embassies or Legations will have a reciprocal character among the contracting countries, and will be effected in open mail or by means of diplomatic pouches, in accordance with the provisions of Article 5 of the Regulations of Execution.³ These pouches will enjoy the franking privilege and all the guarantees of the official dispatches.

3. The correspondence referred to in the two preceding Sections may be sent free of postage under registration, but without any right to indemnity in case of loss.

4. Newspapers, magazines, periodical publications, books, pamphlets and other prints which the publishers or authors may send to the information offices established by the Americo-Spanish Postal Administrations shall enjoy the franking privilege.

5. This franking privilege in no case includes the air service or the other special services which may exist in the domestic or Americo-Spanish régime of the contracting countries.

³ See footnote 1, p. 34.

ARTICLE 11

Prohibitions

1. Without prejudice to the provisions of the Universal Postal Convention in force and of the domestic legislation of any country regarding restrictions on the circulation of correspondence, the following articles will not be forwarded:

- (a) Publications endangering public safety and order.
- (b) Pornographic publications.
- (c) Correspondence of any nature having for its object the commission of frauds, swindles or any kind of crime against property or persons. To this end, the provisions of the domestic legislation of each country will be followed.
- (d) Correspondence containing money in cash, bank notes, or values payable to the bearer, whether it is a question of ordinary or registered correspondence, in the absence of agreement to the contrary between the Administrations concerned.

2. The Administrations may extend the provisions laid down by their domestic regulations to the Amerigo-Spanish service, giving previous notice to the International Office at Montevideo, so that it may advise the other Administrations.

3. When the presence of any prohibited article is noticed, the Administration of transit or destination in whose service it is discovered will proceed in accordance with the provisions of its domestic legislation, advising the Administration of the country of origin as to the disposal made of the article.

ARTICLE 12

Special services

The high contracting parties obligate themselves, on the basis of special agreements or by correspondence, to extend to the other countries of the Postal Union of the Americas and Spain all the postal services which they carry on or may in the future establish in the interior of their respective countries.

ARTICLE 13

Various provisions

The contracting countries will have the option of adopting the "postage paid" service for the transmission of newspapers or periodical publications, open or in bundles, including those for propaganda or purely commercial advertising, provided that a reduced tariff is not applied to the latter.

ARTICLE 14

Official language

Spanish is adopted as the official language for matters relative to the postal service; nevertheless, countries whose language is not this may use their own.

ARTICLE 15

Protection and exchange of postal functionaries

The postal authorities of the contracting countries will be obliged to lend, when it is requested of them, the cooperation required by the postal employees charged with the transportation of pouches and correspondence in transit through the said countries, and likewise by such other functionaries as one Administration may agree to send to any of these countries to carry on studies regarding the development and perfection of the postal services.

For the purpose of the most efficient consummation of such trips, the Administrations may make agreements to organize an exchange of postal functionaries.

ARTICLE 16

International Transfer Office

1. There shall continue to exist in the Republic of Panama an International Transfer Office designated to receive and forward to its destination all the correspondence which is sent through its intermediary, originating in any of the countries of this Union, when it gives rise to transfer operations.

2. The said Office will function in accordance with the Regulations agreed upon between the International Office of the Postal Union of the Americas and Spain and the Postal Administration of Panama.

3. The amendments which at any time may have to be made in the aforesaid Regulations shall be submitted by the Administrations concerned to the International Office at Montevideo for consideration, in order that they may be proposed to the Postal Administration of Panama through its mediation.

4. The organization and operation of the International Transfer Office are subject to the supervision and control of the Administration of Posts and Telegraphs of Panama and the Office of the Postal Union of the Americas and Spain, upon which latter it is incumbent to act as a mediator and arbitrator in any dispute arising between the Postal Administration of Panama and the countries which utilize the services of said Office.

5. The personnel attached to the service of the aforesaid Office shall be designated by the Administration of Posts and Telegraphs of Panama and shall be considered permanent, in accordance with the provisions established by the regulations of the Office concerning it.

6. The expenses which the maintenance of this Office requires shall be borne by the countries which utilize these services, divided proportionally to

the volume of correspondence which they may exchange through its intermediary.

The administration of Panama will advance the necessary funds for the maintenance of prompt services by the Office.

Said amounts shall be repaid quarterly by each Administration concerned, but repayments which are not made within a period of six months after the expiration of each quarter will bear interest at the rate of 7% per annum, for the purpose of increasing the maintenance funds of the Transfer Office.

ARTICLE 17

Arbitration

Every conflict or disagreement which may arise in the postal relations of the contracting countries will be settled by arbitration, which will be effected in the manner provided for by the Convention of the Universal Postal Union in force. The designation of arbitrators shall be incumbent upon the signatory countries, with the intervention of the International Office of the Postal Union of the Americas and Spain, if necessary.

ARTICLE 18

International Office of the Postal Union of the Americas and Spain

1. With the name of International Office of the Postal Union of the Americas and Spain, there will function in Montevideo, under the supervision of the Administration of Posts, Telegraphs and Telephones of the Republic of Uruguay, a Central Office which will serve as an organ of liaison, information and consultation for the countries of this Union.

2. This Office will be charged with:

(a) Assembling, co-ordinating, publishing and distributing information of all kinds which specially concerns the Americo-Spanish postal service.

(b) Giving, at the express request of the parties concerned, its opinion on disputed questions.

(c) Giving, on its own initiative or at the request of any of the signatory countries, its opinion on all matters of a postal character which affect or relate to the general interests of the Postal Union of the Americas and Spain.

(d) Making known the requests for modification of the Acts of the Congress which may be formulated, and giving notice of the changes which may be adopted.

(e) Making known the results obtained from the regulatory provisions and measures of importance which the Administrations may adopt in their domestic service, which may be communicated to it by the same Administrations as information.

(f) Distributing the postal maps and guides which the respective Administrations may send it.

(g) Making up a summary of the Americo-Spanish postal statistics in accordance with the data which each Administration communicates to it annually.

(h) Publishing a report relative to the most rapid routes for the transmission of correspondence from one of the contracting countries to another.

(i) Preparing a table giving in detail all the maritime services dependent upon the countries of the Postal Union of the Americas and Spain which may be utilized gratuitously for the transportation of their correspondence, under the conditions laid down by Article 3 preceding.

(j) Publishing the tariff of postage rates of the domestic service of each of the countries concerned, and the table of equivalents.

(k) Publishing and distributing among the countries of the Postal Union of the Americas and Spain, annually, a report of the work which it performs.

(l) Carrying out the studies and works requested of it in the interest of the contracting countries, relative to the work of social, economic and artistic cooperation, for which purpose the International Office shall always be at the disposal of said countries in order to furnish them any special information which they may require on matters relative to the Americo-Spanish postal service.

3. The special expenses arising from the preparation of the Annual Report and the Table of Postal Communications of the contracting countries and those arising on account of the meetings of Congresses or Conferences will be shared by the Administrations of said countries in accordance with the classes established in Article 9 of the Regulations of Execution.

4. The Administration of Posts, Telegraphs and Telephones of Uruguay will supervise the expenses of the International Office of the Postal Union of the Americas and Spain, and will make to it the advances which it requires.

5. The amounts advanced by the Administration of Uruguay in accordance with the foregoing Section will be repaid by the debtor Administrations as soon as possible, and, at the latest, before six months from the date on which the country concerned receives the account formulated by the Administration of Posts, Telegraphs and Telephones of Uruguay. After this date, the amounts due will bear interest at the rate of 7% a year, counting from the date of expiration of the said period.

6. The contracting countries are bound to include in their budgets an annual amount destined to take care promptly of the payment of their quotas.

ARTICLE 19

Congresses

1. Congresses will meet at least every five years, counting from the date on which the Convention concluded by the last one becomes effective.

2. Each Congress will fix the place and year in which the next one shall convene.

ARTICLE 20

Propositions in the interval between meetings

The present Convention may be modified in the interval between Congresses, following the procedure established in Chapter III of the Universal Postal Convention in force. In order to become effective, the modification must obtain unanimity of votes for the present Article and Articles 1, 2, 3, 4, 5, 6, 7, 10, 14, 17, 18, 20, 22, 24, 25 and 26; two-thirds of the votes for Articles 8, 11, 12 and 19; and a simple majority for the rest.

ARTICLE 21

Modifications and amendments

The modifications or resolutions adopted by the contracting parties, even those of a domestic order which affect the international service, will become effective four months after the date of the relative notice from the International Office of the Postal Union of the Americas and Spain.

ARTICLE 22

Application of the Universal Postal Convention and domestic legislation

1. All matters in connection with the exchange of correspondence among the contracting countries which are not provided for in this Convention will be subject to the stipulations of the Universal Postal Convention in force and its Regulations.

2. Likewise, the domestic legislation of the said countries will apply in everything that has not been provided for by either Convention.

ARTICLE 23

Propositions for Universal Congresses

All countries forming the Postal Union of the Americas and Spain will advise one another, through the intermediary of the International Office of Montevideo, of the propositions which they may formulate for Universal Postal Congresses, six months in advance of the date on which the Congress in question is to be held.

ARTICLE 24

Unity of action in Universal Postal Congresses

The countries signatory to the Americo-Spanish Postal Convention which have ratified the same obligate themselves to instruct their delegates to the Universal Postal Congresses to sustain unanimously and firmly, all the principles established in the Postal Union of the Americas and Spain and also to vote in accordance with those postulates, except only in cases in which the propositions to be debated affect exclusively the countries proposing them.

ARTICLE 25

New adherences

In case of a new adherence, the Government of the Republic of Uruguay, by common consent with the Government of the country concerned, will determine the class in which the said country is to be included, for purposes of sharing the expenses of the International Office.

ARTICLE 26

Effective date and duration of the Convention and deposit of ratifications

1. The present Convention will become effective March 1, 1932, and will remain in force without time-limit, each of the contracting parties reserving the right to withdraw from this Union by means of notice given by its Government to that of the Republic of Uruguay one year in advance.

2. The deposit of ratifications will be effected in Madrid as soon as possible, preferably before the effective date of the Convention and Agreements in question, and the relative certificate will be made up for each of them, a copy of which will be sent by the Government of Spain, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Pan-American Postal Convention sanctioned in Mexico, November 9, 1926,⁴ are abrogated, beginning with the date on which the present Convention enters into force.

4. In case that the Convention is not ratified by one or more of the contracting countries, it will none the less be valid for those which have ratified it.

5. The contracting countries may ratify the Convention and the Agreements provisionally, by correspondence, giving notice thereof to the respective Administrations through the medium of the International Office, without prejudice to the fact that, according to the legislation of each country and after approval by the National Congresses, it may be confirmed through diplomatic channels.

In faith of which, the Plenipotentiaries of the Governments of the countries above named sign the present Convention in Madrid on the tenth of November, one thousand nine hundred and thirty-one.

For Argentina:
R. CORREA LUNA

For Bolivia:
G. A. OTERO

For Brazil:
LUIS GUIMARÃES

For Canada:

For Colombia:
ALBERTO SÁNCHEZ DE IRIARTE
E. ZALDÚA PIEDRAHITA
W. MAC-LELLAN

For Costa Rica:
ADRIANO MTÍN LANUZA
EDUARDO FOURNIER QUIRÓS

⁴ *Ante*, vol. 2, p. 617.

For Cuba:	For Guatemala:
M. S. PICHARDO	ENRIQUE TRAUMANN
JOSÉ MÉNDEZ	For Haiti:
For Chile:	LUIS MA SOLER
E. BERMÚDEZ	For Honduras:
CARLOS MORLA LYNCH	ANTONIO GRAÍÑO
For the Dominican Republic:	For Mexico:
E. BRACHE HIJO	A. J. PANI
ENRIQUE DESCHAMPS	ANTONIO CASTRO LEAL
For Ecuador:	For Nicaragua:
RICARDO CRESPO ORDÓÑEZ	JOSÉ GARCÍA-PLAZA
ABEL ROMEO CASTILLO	For Panama:
For El Salvador:	CARLOS ORTIZ R.
RAÚL CONTRERAS	For Paraguay:
For Spain:	FERNANDO PIGNET
A. NISTAL	R. BLANCO-FOMBONA
A. CAMACHO	For Peru:
AGUSTÍN RAMOS	MANUEL GARCÍA YRIGOVEN
DEMETRIO PEREDA	For Uruguay:
For the United States of America:	CÉSAR MIRANDA
For W. Irving Glover:	For Venezuela:
EUGENE R. WHITE	ANTONIO REYES
EUGENE R. WHITE	LEÓN AGUILAR

FINAL PROTOCOL OF THE CONVENTION

At the moment of signing the Convention concluded by the Third Pan-American Postal Congress, the undersigned Plenipotentiaries have agreed upon the following:

I

1. Chile, Ecuador and Peru, as a temporary measure, reserve the right to maintain the rates now applicable in their relations with the Postal Union of the Americas and Spain, for both ordinary and registered correspondence.

2. The United States of America, as a transitory measure, reserves the right to increase, by no more than 50 per cent, its present rates for countries of the Postal Union of the Americas and Spain, until it can effect a corresponding increase in its domestic rates.

II

Brazil records the fact that its Administration can not recognize the International Office of Montevideo as having attributions greater than those which the Universal Postal Convention grants to its Office of Berne.

III

In connection with Article 24 of the Convention, the United States of America reserves complete liberty of action in Universal Postal Congresses.

IV

1. If, at the time when the Convention enters into force, a country cannot concede gratuity of transit because stipulations of existing contracts concluded previously are opposed to it, that country obligates itself to modify such contracts so as to make said gratuity effective as soon as possible. All contracts which are renewed or those which may be concluded in the future shall assure complete gratuity of transit for correspondence transported in ships which are affected by said contracts, between the various ports of the Americo-Spanish postal territory, as well as between the latter and those of countries foreign to the Union.

In spite of the existence of those contracts which impede the application of the principle of gratuity of transit, no Postal Administration may present accounts for maritime transit charges relative to the transportation of correspondence affected by the aforesaid contracts.

2. Each of the contracting countries obligates itself to maintain the privileges which the ships of the other countries of the Postal Union of the Americas and Spain transporting correspondence gratuitously are at present enjoying, as well as to concede to them in the future all the privileges which they extend to ships of any other country that perform said service.

V

The Protocol remains open in favor of the countries of America whose representatives have not signed the Convention, or which, having signed the Convention, desire to adhere to the other Agreements sanctioned by the Congress.

Done at Madrid, the tenth of November, one thousand nine hundred and thirty-one.

For Argentina:

R. CORREA LUNA

For Bolivia:

G. A. OTERO

For Brazil:

LUIS GUIMARÃES

For Canada:

For Colombia:

ALBERTO SÁNCHEZ DE IRIARTE

E. ZALDÚA PIEDRAHITA

W. MAC-LELLAN

For Costa Rica:

ADRIANO MTÍN LANUZA

EDUARDO FOURNIER QUIRÓS

For Cuba:

M. S. PICHARDO

JOSÉ MÉNDEZ

For Chile:

E. BERMÚDEZ

CARLOS MORLA LYNCH

For the Dominican Republic:

E. BRACHE HIJO

ENRIQUE DESCHAMPS

For Ecuador:

RICARDO CRESPO ORDÓÑEZ

ABEL ROMEO CASTILLO

For El Salvador:

RAÚL CONTRERAS

For Spain:

A. NISTAL

A. CAMACHO

AGUSTÍN RAMOS

DEMETRIO PEREDA

For the United States of America:

For W. Irving Glover:

EUGENE R. WHITE

EUGENE R. WHITE

For Guatemala:

ENRIQUE TRAUMANN

For Haiti:
LUIS MA SOLER

For Honduras:
ANTONIO GRAÍÑO

For Mexico:
A. J. PANI
ANTONIO CASTRO LEAL

For Nicaragua:
JOSÉ GARCÍA-PLAZA

For Panama:
CARLOS ORTIZ R.

For Paraguay:
FERNANDO PIGNET
R. BLANCO-FOMBONA

For Peru:
MANUEL GARCÍA YRIGOYEN

For Uruguay:
CÉSAR MIRANDA

For Venezuela:
ANTONIO REYES
LEÓN AGUILAR

[For text of regulations for execution of the convention, see 47 Stat. 1942.]

PROVISIONS RELATIVE TO THE TRANSPORTATION OF CORRESPONDENCE BY AIR

The high contracting parties agree to adopt the following provisions relative to transportation by air.

ARTICLE 1

The whole of the domestic and international air lines which are directly or indirectly subordinate to an Administration and which are used for the transportation of correspondence shall be placed at the disposal of the others, on the basis of rates and conditions generally uniform for all those Administrations which utilize these services without participating in the expenses of operation.

ARTICLE 2

The previous provision does not restrict or diminish the power of the high contracting parties to conclude among themselves individual Conventions which do not concern the Union as a whole, provided that their clauses are not less favorable than those contained in the present Regulations.

ARTICLE 3

The Postal Administrations of the contracting countries shall take steps with their respective Governments so that the restrictive provisions placed upon aircraft in transit may in no case reach the extreme of preventing the receipt of the mail which they transport, either destined for the same country, or to be reforwarded outside of its territory, utilizing for this purpose the route agreed upon by the parties concerned.

ARTICLE 4

The high contracting parties shall lend to one another the most ample and effective cooperation for the reforwarding by the most rapid route of the

correspondence which they may receive, originating in any of them and destined for another country adhering to the Postal Union of the Americas and Spain or the Universal Postal Union. Likewise, they agree to concede, on the part of their respective Administrations, the maximum preference to the distribution of this class of correspondence.

ARTICLE 5

The accounts arising from the air services established between two or more countries shall be exchanged directly between the Postal Administrations concerned.

ARTICLE 6

The high contracting parties obligate themselves to place those preexisting concessions or contracts, subject to renewal, which may have been concluded with the individual air transport companies, and those which they shall enter into in the future, in agreement with the provisions stipulated in the present Regulations.

ARTICLE 7

The utilization of an air mail line by any of the signatory Administrations can be brought about only through prior agreement with the Administration to which said service is subordinate, and, in the absence of provisions to the contrary, the latter shall be the only one called upon to regulate the conditions, prices and form of payment for the service utilized.

ARTICLE 8

Within the maximum period of six months from the effective date of the present provisions, the Administrations of the adhering countries shall send to the International Office of the Postal Union of the Americas and Spain, so that the latter may recompile, publish and distribute it, information relative to the present conditions, rates and operations of their air services; likewise, in the future they shall send in any modifications which they may introduce into said services.

ARTICLE 9

The present provisions shall become effective on the date of entry into force of the Convention of the Postal Union of the Americas and Spain. They shall have the same duration as this convention unless renewed by common agreement among the parties concerned.

Done in Madrid, the tenth of November, one thousand nine hundred and thirty-one.

For Argentina:
R. CORREA LUNA

For Brazil:
LUIS GUIMARÃES

For Bolivia:
G. A. OTERO

For Canada:

For Colombia:

ALBERTO SÁNCHEZ DE IRIARTE
E. ZALDÚA PIEDRAHITA
W. MAC-LELLAN

For Costa Rica:

ADRIANO MTÍN LANUZA
EDUARDO FOURNIER QUIRÓS

For Cuba:

M. S. PICHARDO
JOSÉ MÉNDEZ

For Chile:

E. BERMÚDEZ
CARLOS MORLA LYNCH

For the Dominican Republic:

E. BRACHE HIJO
ENRIQUE DESCHAMPS

For Ecuador:

RICARDO CRESPO ORDÓÑEZ
ABEL ROMEO CASTILLO

For El Salvador:

RAÚL CONTRERAS

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A. NISTAL
A. CAMACHO
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DEMETRIO PEREDA

For the United States of America:

For W. Irving Glover:
EUGENE R. WHITE
EUGENE R. WHITE

For Guatemala:

ENRIQUE TRAUMANN

For Haiti:

LUIS MA SOLER

For Honduras:

ANTONIO GRAÍÑO

For Mexico:

A. J. PANI
ANTONIO CASTRO LEAL

For Nicaragua:

JOSÉ GARCÍA-PLAZA

For Panama:

CARLOS ORTIZ R.

For Paraguay:

FERNANDO PIGNET
R. BLANCO-FOMBONA

For Peru:

MANUEL GARCÍA YRIGOYEN

For Uruguay:

CÉSAR MIRANDA

For Venezuela:

ANTONIO REYES
LEÓN AGUILAR

POSTAL UNION OF THE AMERICAS AND SPAIN: PARCEL POST

Agreement signed at Madrid November 10, 1931

*Ratified and approved by the Postmaster General of the United States
February 1, 1932*

Approved by the President of the United States February 3, 1932

Ratification of the United States deposited at Madrid August 11, 1932

Entered into force March 1, 1932

*Terminated by agreement of December 22, 1936*¹

47 Stat. 1957; Post Office Department print

[TRANSLATION]

AGREEMENT CONCERNING PARCEL POST

concluded between Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Spain, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries above mentioned, in exercise of the option conferred by Article 5 of the Universal Postal Convention in force, agree, subject to ratification, to the establishment of the parcel-post service in accordance with the following provisions.

ARTICLE 1

Object of the Agreement

1. Under the denomination of "parcel post" ("Encomienda Postal," "Paquete Postal" or "Bulto Postal") this class of mail matter may be sent from any one of the above-mentioned countries to any other of them.

2. Parcels may be sent registered, insured or collect-on-delivery, when the adhering countries agree to adopt these forms of service in their reciprocal relations.

3. The dispatch of such parcels in containers in good condition, properly fastened, shall be obligatory.

¹ *Post*, p. 319.

ARTICLE 2

Transit

1. Liberty of transit is guaranteed over the territory of every one of the contracting countries. Consequently, the various Administrations may use the intermediary of one or more countries for the reciprocal exchange of parcels.

2. Parcels will be sent in closed dispatches which will be forwarded by the most rapid territorial and maritime routes which the countries intervening in the transportation utilize for their own dispatches.

3. The dispatching Administrations will be obliged to send a copy of the parcel bills to each of the intermediary Administrations.

ARTICLE 3

Weight and dimensions

1. The maximum weight of each parcel will be 10 kilograms, the Administrations remaining at liberty to limit it to 5.

2. The maximum dimensions for parcels shall be fixed by the Agreement of the Universal Postal Union in force, relative to this service. Nevertheless, the Administrations of the contracting countries shall have the option of admitting, after obtaining the consent of the intermediary countries, parcels with other limits of weight and dimensions.

3. Bulky parcels will be accepted only in relations between countries which undertake to effect their transportation.

ARTICLE 4

Postage rates and payments

1. The postage on parcels exchanged under this Agreement will be composed only of the sum of the rates of origin, transit and destination. If necessary, the maritime rates provided by the Agreement of the Universal Postal Union in force concerning the exchange of parcel post will be added.

2. The rates of origin, transit and destination are fixed for each country at 50 centimes of a gold franc or their equivalent for each parcel up to 5 kilograms, and one gold franc or its equivalent for each parcel whose weight exceeds 5 kilograms but not 10 kilograms.

3. However, the contracting Administrations will have the option of increasing these rates up to double their amount, and of applying a fixed surcharge of 25 centimes of a gold franc or their equivalent to each parcel which they dispatch or receive.

4. Administrations which, in the Universal service, enjoy special authorizations to increase the rates set forth in Section 2 may also make use of said authorizations in Americo-Spanish service.

5. Notwithstanding the provisions of the foregoing Sections, no contracting Administration will be obligated to fix a rate lower than that established for this class of articles in its domestic service.

6. The Administration of origin will credit each of the Administrations taking part in the transportation, as well as that of destination, with the corresponding charges, in accordance with the provisions of the foregoing Sections.

ARTICLE 5

Customs-clearance, delivery, storage and other charges

The Administrations of destination may collect from the addressees of parcels:

(a) A fee of 50 centimes of a gold franc or their equivalent, as a maximum, for the operations, formalities and transactions in connection with customs handling;

(b) A fee of 50 centimes of a gold franc or their equivalent, as a maximum, for the transmission and delivery of each parcel to the address of the addressee.

When parcels are not delivered at the address of the addressee, the latter shall be advised of their arrival. In this case, the Administrations whose domestic regulations require it, will collect a special fee for the delivery of said notice; this fee shall not exceed the postage for a single weight-unit on an ordinary letter in the domestic service;

(c) A daily storage charge, which shall not exceed that fixed by the postal legislation of each country, charged from the time prescribed therein, provided that the total to be collected shall in no case exceed five gold francs or their equivalent;

(d) The customs duties and all other non-postal charges which their domestic legislation establishes; and

(e) The amount corresponding to the consular fee, when it has not been prepaid by the sender.

ARTICLE 6

Prohibition against other charges

The parcels of which the present Agreement treats may not be subjected to any other postal charges than those established in the foregoing Articles.

However, the Administrations that agree among themselves on the admission of registered, collect-on-delivery or insured parcels are authorized to collect the special charges relative to this class of articles.

ARTICLE 7

Responsibility

1. The Administrations shall be responsible for the loss, rifling or damage of parcels.

The sender shall have the right in such case to an indemnity equivalent to the actual amount of the loss, rifling or damage. This indemnity shall not exceed:

(a) For parcels up to 5 kilograms in weight, 25 gold francs or their equivalent;

(b) For parcels up to 10 kilograms in weight, 40 gold francs or their equivalent.

2. The indemnity shall be calculated according to the current price of merchandise of the same kind in the place where and at the time when the parcel was accepted for transportation.

3. For insured parcels exchanged between those Administrations which agree to establish this type of service, the indemnity shall not exceed the insured value.

ARTICLE 8

Parcels pending delivery

1. The period during which parcels must be held at the disposal of the interested parties at the offices of destination is fixed at thirty days. The said period may be increased to ninety days by agreement among the Administrations concerned, it being understood that in every case the return will be effected without previously consulting the sender.

2. The senders, by virtue of the provisions enumerated in the preceding Section, are obligated to indicate on the reverse side of the dispatch note what disposal must be made of their parcels in case they cannot be delivered, limitation being made to one of the following provisions:

(a) That the parcel be returned to origin.

(b) That the parcel be delivered to another addressee.

(c) That the parcel be considered abandoned.

ARTICLE 9

Fraudulent declarations

1. In cases where it is proved that senders of parcels, by themselves or by agreement with the addressees, have falsely declared the quality, weight or measure of the contents, or in any other way have tried to defraud the fiscal interests of the country of destination, avoiding the payment of import duties by concealing articles or declaring them in such a way as to show the evident intention of nullifying or reducing the amount of those duties, the Administration concerned is authorized to dispose of those articles in accordance with its domestic laws, and neither the sender nor the addressee will have any right to delivery, return or indemnity.

2. The Administration confiscating a parcel in accordance with the preceding authorization shall notify the addressee and the Administration of origin.

ARTICLE 10

Parcels for second addressees

Senders of parcels addressed in care of banks or other organizations for delivery to second addressees will be obliged to state on the tags, labels or wrappers thereof the exact names and addresses of the persons for whom such parcels are intended. Nevertheless, the second addressee shall be informed of the presence of that parcel, and the notice charge provided by Article 5 may be collected, but he shall not have the power to claim delivery except by written authorization of the first addressee or of the sender; the latter shall, in that case, take steps for its delivery through the Administration of origin of the parcel.

ARTICLE 11

Abandoned or returned parcels

Abandoned parcels, or those returned to origin which can not be delivered to the senders, will be sold by the Administration concerned. If the proceeds of the sale are lower than the charges due on the parcel, the deficit will be divided in equal shares between the Administrations of origin and destination.

ARTICLE 12

Propositions in the interval between meetings

The present Agreement may be modified in the interval which transpires between Congresses, following the procedure established in Chapter III of the Convention of the Universal Postal Union in force. In order to become effective, the modifications must obtain:

1. Unanimity of votes, if it is a question of introducing new provisions or modifying the present Article or Articles 1, 2, 3, 4, 5, 6, and 7.
2. Two-thirds of the votes, in order to modify the other provisions.

ARTICLE 13

Equivalents

Each contracting country shall determine the legal equivalent of its money, with relation to the gold franc.

ARTICLE 14

Matters not provided for

1. All matters not provided for by this Agreement will be governed by the provisions of the Agreement of the Universal Postal Union in force and its Regulations of Execution.

2. However, the contracting Administrations may agree upon other details for the carrying out of the service.

3. The right of the contracting countries to retain in force the regulatory procedure adopted for the fulfillment of Conventions among themselves is recognized, provided that such procedure is not contrary to the provisions of this agreement.

ARTICLE 15

Effective date and duration of the Agreement

1. The present Agreement will become effective March 1, 1932, and will remain in force without time limit, each of the contracting parties reserving the right to abrogate it by means of notice given by its Government to that of the Republic of Uruguay, one year in advance.

2. The deposit of ratifications will be effected in Madrid as soon as possible; the relative certificate will be made up in regard to the ratification by each country, and the Government of Spain will send a copy of the said certificate, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Parcel-Post Convention sanctioned in Mexico on November 9, 1926,² are abrogated, beginning with the date on which the present Agreement becomes effective.

4. In case that the Agreement is not ratified by one or more of the contracting countries, it will none the less be valid for the countries which have ratified it.

5. The contracting countries may ratify this Agreement provisionally, by correspondence, giving notice thereof to the respective Administrations through the medium of the International Office, without prejudice to the fact that, according to the legislation of each country and after approval by the National Congresses, it may be confirmed through diplomatic channels.

In faith of which, the Plenipotentiaries of the countries enumerated sign the present Agreement at Madrid, on the tenth of November, one thousand nine hundred and thirty-one.

For Argentina:

R. CORREA LUNA

For Bolivia:

G. A. OTERO

For Brazil:

LUIS GUIMARÃES

For Canada:

For Colombia:

ALBERTO SÁNCHEZ DE IRIARTE

E. ZALDÚA PIEDRAHITA

W. MAG-LELLAN

For Costa Rica:

ADRIANO MTÍN LANUZA

EDUARDO FOURNIER QUIRÓS

For Chile:

E. BERMÚDEZ

CARLOS MORLA LYNCH

For the Dominican Republic:

E. BRACHE HIJO

ENRIQUE DESCHAMPS

For Ecuador:

RICARDO CRESPO ORDÓÑEZ

ABEL ROMEO CASTILLO

² *Ante*, vol. 2, p. 629.

For El Salvador:
RAÚL CONTRERAS

For Spain:
A. NISTAL
A. CAMACHO
AGUSTÍN RAMOS
DEMETRIO PEREDA

For the United States of America:
For W. Irving Glover:
EUGENE R. WHITE
EUGENE R. WHITE

For Guatemala:
ENRIQUE TRAUMANN

For Haiti:
LUIS MA SOLER

For Honduras:
ANTONIO GRAÍÑO

For Mexico:
A. J. PANI
ANTONIO CASTRO LEAL

For Nicaragua:
JOSÉ GARCÍA-PLAZA

For Panama:
CARLOS ORTIZ R.

For Paraguay:
FERNANDO PIGNET
R. BLANCO-FOMBONA

For Peru:
MANUEL GARCÍA YRIGOYEN

For Uruguay:
CÉSAR MIRANDA

For Venezuela:
ANTONIO REYES
LEÓN AGUILAR

POSTAL UNION OF THE AMERICAS AND SPAIN: POSTAL MONEY ORDERS

*Agreement and final protocol signed at Madrid November 10, 1931
Ratified and approved by the Postmaster General of the United States
February 1, 1932*

Approved by the President of the United States February 3, 1932

*Ratification of the United States deposited at Madrid, with reservations,
August 11, 1932*¹

Entered into force March 1, 1932

*Terminated by agreement of December 22, 1936*²

Post Office Department files³

[TRANSLATION]

AGREEMENT RELATIVE TO POSTAL MONEY ORDERS

Concluded between: Argentina, Bolivia, Colombia, Costa Rica, Cuba, Chile, Dominica, Ecuador, El Salvador, Spain, United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries mentioned above, by virtue of the authority conferred by Article 5 of the Universal Postal Union Convention in force, agreed, subject to ratification,

¹ The U.S. reservations made at time of deposit of ratification read as follows:

"In the absence of legal authority for the issue of postal money orders in the United States without the exaction of a fee, this Department must except Article 8 from the ratification, but money orders issued without charge by the other postal administrations adhering to the agreement will be paid promptly in the United States.

"This Postal Administration has no provision by which the remitter on the payment of a fee when the order is issued may be notified of its payment, as contemplated by Article 11, and cannot therefore ratify that Article of the Convention. In any instance where an allegation of non-payment or wrong payment is made, however, this Department will gladly conduct an investigation, and, if possible, satisfactorily adjust the dispute, informing the issuing Postal Administration fully of the result of the inquiry, and for this service no fee is exacted.

"As the telegraph service in this country is not controlled by the Federal Government, it is not possible to arrange for the exchange of orders by telegraph as provided by Article 20, and therefore ratification of that article by this Administration cannot be made."

² *Post*, p. 329.

³ See also 131 LNTS 389.

to establish the Money Order Service in accordance with the following clauses:

ARTICLE 1

Object of the Agreement

The exchange of money orders between the contracting countries, whose Administrations agree to perform this service, shall be governed by the provisions of the present agreement.

ARTICLE 2

Money

The amount of the orders will be expressed in the money of the country of destination; however, the Administrations have authority to adopt by mutual consent, other money which is more convenient to their interest.

ARTICLE 3

Conditions for the Exchange of Money Orders

The exchange of postal money orders between the contracting countries will be carried on by means of lists, conforming to form "A" attached.⁴

Each Administration will designate the offices of its country which will have charge of the establishment of said lists and of transmitting them to such other offices which, for that purpose, have been designated between other Administrations.

When an Administration designates more than one office for the receipt of the lists, it must communicate, with full details, the distribution of the orders carried in the lists.

ARTICLE 4

Maximum Amount

The Administrations of the contracting countries which agree to the establishment of this service, are authorized upon agreement to fix the maximum amount of the money orders exchanged between them; but this amount shall not be less than 500 francs gold or the equivalent of this amount of the respective money.

However, orders relative to the Postal Service, exempt from any charge in accordance with the provisions of Article 8 following, may exceed the maximum fixed by each Administration.

ARTICLE 5

Rates of Commission

Each Administration will have the authority to fix the rates of commissions to be collected for money orders issued in accordance with the present

⁴ For forms attached to the agreement, see 131 LNTS 399.

agreement and modify the amount of the commission whenever its interests demand it, but will be obligated to communicate sufficiently ahead of time said rates and their modifications to the Administration interested.

The rates fixed by each Administration by virtue of the provision of the preceding paragraph must be identical for the money orders of the same amounts addressed to all the countries which have adhered to the agreement.

ARTICLE 6

Endorsements

Each of the contracting countries is authorized to permit in its territory, and in accordance with its domestic regulations, endorsement of money orders originating in any of the other countries.

ARTICLE 7

Responsibility

The Administrations will be responsible to the remitters for the amounts which have been deposited to be converted into money orders until they have been paid to the payees or to the endorsees.

ARTICLE 8

Exemption from Charges

There will be exempt from any charge orders pertaining to the Postal Service, exchanged between the Postal Administrations or between the offices under the jurisdiction of these Administrations, as well as the orders transmitted to the International Office of Montevideo and reciprocally.

ARTICLE 9

Period of Validity of the Orders

Barring agreement to the contrary, every postal money order will be paid in the country of destination within the twelve months following its issue.

The amount of all the orders which have not been paid during that period of time will be credited in the first account rendered to the Administration of the country of origin which will proceed in accordance with the regulations of that country.

ARTICLE 10

Change of Address and Repayment of Orders

1. When the remitter desires to correct an error in the address of the payee or wishes that the amount of a money order be returned, he must apply to the Central Administration of the country in which the order was issued.

2. In no case shall a money order be repaid without obtaining from the Central Administration of the country to which it was sent the assurance that payment has not been effected and that the said Administration expressly authorizes the repayment.

ARTICLE 11

Advice of Payment

The remitter of a money order will be able to obtain an advice of payment against a fee equivalent to an advice of receipt for registered mail collected by the Administration of origin. This fee will be kept by the Administration of origin.

The Administration of destination will issue the advice of payment upon a printed model according to form "F" and will transmit it officially either directly to the party interested or to the issuing Administration of Posts for its delivery to the party interested.

ARTICLE 12

Reissue

At the request of the remitter or of the payee, the order may be reissued to a country other than the one on which it was originally drawn provided there exists an exchange of orders with the new country of destination.

The reissuing Administration will have the right to deduct from the amount of the order the fee collected for money orders issued by it in accordance with the provisions of Article 5.

In case of reissue, the order will be considered as having been paid by the reissuing Administration and be included in the account for that purpose, adding the wording "reissue".

ARTICLE 13

Domestic Legislation

The postal money orders exchanged between two countries will be subject, with respect to their issue and payment, to the provisions in force in the country of origin or in the country of destination, as the case may be, concerning the issue and payment of domestic money orders.

ARTICLE 14

Preparation of the lists

1. Daily, or on the date mutually agreed upon, each exchange office will advise the corresponding exchange office of the amounts received in its country for payment in the other, using for that purpose form "A" attached.

2. Each money order noted in these lists shall carry a number which will be called the International number, commencing on January 1 or on July

1 of each year, as mutually agreed upon, with No. 1. The lists will likewise carry a sequence number commencing with No. 1 on January 1 or July 1 of each year.

3. The exchange offices will acknowledge mutually the receipt of each list by means of the first list following sent in the opposite direction.

4. Any list that is missing shall be asked for immediately by the office that has found it lacking. The remitting exchange office, in that case, will send as soon as possible to the complaining exchange office a duplicate of the list asked for, duly authenticated.

ARTICLE 15

Verification and Correction of the Lists

The lists will be carefully verified by the exchange office of destination and be corrected when simple mistakes are found.

The remitting exchange office will be advised of those corrections while acknowledging the receipt of the list in which they should have been made.

When the lists contain other irregularities, the exchange office of destination shall ask for explanations from the remitting exchange office which shall have to be answered as soon as possible. In the meantime, the issuance of the corresponding domestic money orders will be suspended until the irregularities have been corrected.

ARTICLE 16

Conversion of the International Orders into Inland Orders

1. Upon receipt at an exchange office of a list of orders, in accordance with the provisions of the foregoing Article, said office shall proceed to issue inland money orders in favor of the payees in the money of the country of destination which are carried in the list, sending immediately these inland money orders to the payees or to the paying offices in accordance with the regulations governing the payment of the orders in each country.

2. Duplicates of money orders shall be issued only by the Postal Administration of the paying country, in accordance with its internal regulations and previous proof that the order has not been paid to the payee or returned to the office of origin.

ARTICLE 17

Rendering and Settling of Accounts

1. Barring agreement to the contrary, at the end of each quarter, one of the two corresponding Administrations, designated by mutual consent, shall render an account in which shall be entered in detail:

a. The totals of the lists that contain the particulars of the orders issued in both countries during the quarter;

b. The totals of the orders which have been repaid to the remitters; and

- c. The totals of those orders which have become invalid during the quarter.
2. The credit of each Administration shall be expressed in its own money.
3. The smaller amount will be converted into the money of the creditor country at the average rate of exchange prevailing during the quarter covered by the account.

4. This account, rendered in duplicate, will be sent by the Administration which has rendered the account to the corresponding Administration.

When a balance appears in favor of the latter Administration, it shall be paid by means of a sight draft in favor of the creditor country, attached to the account.

When there is a balance in favor of the Administration which has rendered the account, payment will be made by the debtor Administration in the form indicated in the previous paragraph, with the return of the accepted account.

5. Forms "B", "C", "D", and "E" attached to this agreement will be used in rendering these quarterly accounts.

6. The Administrations may also agree not to effect conversions, but to make settlements unilaterally; that is to say, for each administration to credit to the other the total amount of the orders paid on its account and, in this case, each Administration would have to render a quarterly account.

ARTICLE 18

Advance Payments on Account

When it is ascertained that one of the corresponding Administrations owes the other on money order account a balance in excess of 25,000 gold francs, or the approximate equivalent of that amount in its own money, the debtor Administration will send, with as little delay as possible, to the other Administration, and as an advance payment on account, an amount approximating the balance of the accounts for the quarterly settlement referred to in the Article above.

ARTICLE 19

Suspension of the Service

The Administrations of the contracting countries may, under extraordinary circumstances, suspend temporarily the issue of money orders and may adopt such provisions as they deem necessary to safeguard the interests of the Administrations and to avoid speculations through the money order service by individuals or commercial institutions.

The Administration that adopts any of the measures referred to in the foregoing paragraph shall communicate the fact immediately to the Administration with which it exchanges postal money orders.

ARTICLE 20

Telegraphic Orders

The contracting Administrations may establish the exchange of orders by telegraph in accordance with the provisions of the Universal Postal Union Convention, relative to the money order service.

ARTICLE 21

Proposals between Assemblies

The present agreement may be modified during the interval between Congresses in the manner prescribed in Chapter III of the Universal Postal Convention in force. In order that these modifications may become executory, it is necessary to obtain :

1. A unanimous vote if it is desired to introduce new provisions or to modify the present Article and the provisions of Articles 1, 2, 4, 5, 7, 8, 13, 17, 18, 19, and 22.
2. Two-thirds of the votes to modify the other provisions.

ARTICLE 22

Standing and Duration of the Agreement

1. This Convention will become effective March 1, 1932, and will remain in force without limitation of time, reserving to each of the contracting parties the right of withdrawal by giving notice thereof through its Government to the Government of the Oriental Republic of Uruguay one year in advance.

2. The ratifications should be deposited in the City of Madrid within the shortest time possible; a resolution was adopted relative to the deposit of the ratifications of each country, and the Government of Spain, through diplomatic channels, will remit a copy of the said resolution to the Governments of the other signatory countries.

3. The stipulations of the money order agreement adopted at Mexico on November 9, 1926,⁵ shall be repealed from the date this Convention goes into effect.

4. In case one of the contracting countries fails to ratify this Convention, that fact will not affect the validity for those that shall ratify it.

5. The contracting countries may ratify this agreement provisionally by correspondence, and the Administrations concerned will be advised thereof through the International Office, without prejudice that, in accordance with the legislation of each country and upon approbation by the National Congresses, this be confirmed through diplomatic channels.

⁵ *Ante*, vol. 2, p. 635.

In witness whereof, the Plenipotentiaries of the countries named have signed this agreement at Madrid on the 10th day of November, 1931.

For Argentina:
R. CORREA LUNA

For Bolivia:
G. A. OTERO

For Colombia:
ALBERTO SÁNCHEZ DE IRIARTE
E. ZALDÚA PIEDRAHITA
W. MAC-LELLAN

For Costa Rica:
ADRIANO MTÍN LANUZA
EDUARDO FOURNIER QUIRÓS

For Cuba:
M. S. PICHARDO
JOSÉ MÉNDEZ

For Chile:
E. BERMÚDEZ
CARLOS MORLA LYNCH

For Dominica:
E. BRACHE HIJO
ENRIQUE DESCHAMPS

For Ecuador:
RICARDO CRESPO ORDÓÑEZ
ABEL ROMEO CASTILLO

For El Salvador:
RAÚL CONTRERAS

For Spain:
A. NISTAL
A. CAMACHO
AGUSTÍN RAMOS
DEMETRIO PEREDA

For the United States of America:
W. IRVING GLOVER
EUGENE R. WHITE

For Guatemala:
ENRIQUE TRAUMANN

For Haiti:
LUIS M. SOLER

For Honduras:
ANTONIO GRAÍÑO

For Mexico:
A. J. PANI
ANTONIO CASTRO LEAL

For Nicaragua:
JOSÉ GARCIA-PLAZA

For Panama:
CARLOS ORTIZ R.

For Paraguay:
FERNANDO PIGNET
R. BLANCO-FOMBONA

For Peru:
MANUEL GARCÍA YRIGOYEN

For Uruguay:
CÉSAR MIRANDA

For Venezuela:
ANTONIO REYES
LEÓN AGUILAR

FINAL PROTOCOL

The United States of America has stated that it cannot accept the provisions of Articles 8, 11, and 20.

Done at Madrid on the 10th day of November 1931.

For Argentina:
R. CORREA LUNA

For Bolivia:
G. A. OTERO

For Colombia:
ALBERTO SÁNCHEZ DE IRIARTE
E. ZALDÚA PIEDRAHITA
W. MAC-LELLAN

For Costa Rica:
ADRIANO MTÍN LANUZA
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For Cuba:
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For Uruguay:

CÉSAR MIRANDA

For Venezuela:

ANTONIO REYES

LEÓN AGUILAR

TELECOMMUNICATION

*Convention, with annex, signed at Madrid December 9, 1932*¹

Senate advice and consent to ratification May 1, 1934

Ratified by the President of the United States May 19, 1934

Ratification of the United States deposited at Madrid June 12, 1934

Entered into force January 1, 1934; for the United States June 12, 1934

Proclaimed by the President of the United States June 27, 1934

Replaced by conventions of October 2, 1947,² December 22, 1952,³

December 21, 1959,⁴ and November 12, 1965,⁵ as between contracting parties to the later conventions

49 Stat 2391; Treaty Series 867⁶

[TRANSLATION]

INTERNATIONAL TELECOMMUNICATION CONVENTION

Concluded among the governments of the countries listed hereinafter: Union of South Africa; Germany; Republic of Argentina; Commonwealth of Australia; Austria; Belgium; Bolivia; Brazil; Canada; Chile; China; Vatican City State; Republic of Colombia; French Colonies, protectorates and territories under French mandate; Portuguese Colonies; Swiss Confederation; Belgian Congo; Costa Rica; Cuba; Curaçao and Surinam; Cernaica; Denmark; Free City of Danzig; Dominican Republic; Egypt; Republic of El Salvador; Ecuador; Eritrea; Spain; United States of America; Empire of Ethiopia; Finland; France; United Kingdom of Great Britain and Northern Ireland; Greece; Guatemala; Republic of Honduras; Hungary; Italian Islands of the Aegean Sea; British India; Dutch East Indies; Irish Free State; Iceland; Italy; Japan, Chosen,

¹ For text of general radio regulations annexed to the convention, final protocol to general regulations, and additional radio regulations, see 49 Stat. 2445 or p. 181 of TS 867.

² TIAS 1901, *post*, vol. 4.

³ 6 UST 1213; TIAS 3266.

⁴ 12 UST 1761; TIAS 4892.

⁵ 18 UST 575; TIAS 6267.

⁶ The original print of TS 867 contains texts of the convention, the general radio regulations, and the final protocol to the radio regulations of Dec. 9, 1932, and also the additional radio regulations, to which the United States was not a signatory and did not become a party; a reprint of TS 867, published in 1941, contains only the convention.

Taiwan, Karafuto, Kwantung Leased Territory and the South Sea Islands under Japanese mandate; Latvia; Liberia; Lithuania; Luxemburg; Morocco; Mexico; Nicaragua; Norway; New Zealand; Republic of Panama; Netherlands; Peru; Persia; Poland; Portugal; Rumania; Italian Somaliland; Sweden; Syria and Lebanon; Czechoslovakia; Tripolitania; Tunisia; Turkey; Union of Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia.

The undersigned, plenipotentiaries of the governments listed above, having met in conference at Madrid, have, in common agreement and subject to ratification, concluded the following Convention:

CHAPTER I

ORGANIZATION AND FUNCTIONING OF THE UNION

ARTICLE 1

Constitution of the Union

§ 1. The countries, parties to the present Convention, form the International Telecommunication Union which shall replace the Telegraph Union and which shall be governed by the following provisions.

§ 2. The terms used in this Convention are defined in the annex to the present document.

ARTICLE 2

Regulations

§ 1. The provisions of the present Convention shall be completed by the following Regulations:

the Telegraph Regulations,
the Telephone Regulations,
the Radio Regulations (General Regulations and Additional Regulations),⁷

which shall bind only the contracting governments which have undertaken to apply them, and solely as regards governments which have taken the same obligation.

§ 2. Only the signatories to the Convention or the adherents to this document shall be permitted to sign the Regulations or to adhere thereto. The signing of at least one of the sets of Regulations shall be obligatory upon the signatories of the Convention. Similarly, adherence to at least one of the sets of Regulations shall be obligatory upon the adherents to the Convention. However, the Additional Radio Regulations may not be the subject of signature or adherence except when the General Radio Regulations have been signed or adhered to.

⁷ See footnote 1, p. 65.

§ 3. The provisions of the present Convention shall bind the contracting governments only with respect to the services governed by the Regulations to which these governments are parties.

ARTICLE 3

Adherence of Governments to the Convention

§ 1. The government of a country, in the name of which the present Convention has not been signed, may adhere to it at any time. Such adherence must cover at least one of the sets of annexed Regulations, subject to the application of § 2 of article 2 above.

§ 2. The act of adherence of a government shall be deposited in the archives of the government which received the conference of plenipotentiaries that has drawn up the present Convention. The government with which the act of adherence has been deposited shall communicate it to all the other contracting governments through diplomatic channels.

§ 3. Adherence shall carry with it as a matter of right, all the obligations and all the advantages stipulated by the present Convention; it shall, in addition, entail the obligations and advantages stipulated by the particular Regulations which the adhering governments undertake to apply.

ARTICLE 4

Adherence of Governments to the Regulations

The government of a country signatory or adherent to the present Convention may at any time adhere to one or more of the sets of Regulations which it has not undertaken to observe, taking into account the provisions of article 2, § 2. Such adherence shall be notified to the Bureau of the Union which shall inform the other governments concerned thereof.

ARTICLE 5

Adherence to the Convention and to the Regulations by Colonies, Protectorates, Overseas Territories, or Territories under Sovereignty, Authority, or Mandate of the Contracting Governments

§ 1. Any contracting government may, at the time of its signature, its ratification, its adherence, or later, declare that its acceptance of the present Convention is valid for the whole or a group or a single one of its colonies, protectorates, overseas territories, or territories under sovereignty, authority, or mandate.

§ 2. The whole or a group or a single one of these colonies, protectorates, overseas territories, or territories under sovereignty, authority, or mandate may, respectively, at any time, be the subject of a separate adherence.

§ 3. The present Convention shall not apply to colonies, protectorates, overseas territories, or territories under sovereignty, authority, or mandate

of a contracting government, unless statement to this effect is made by virtue of § 1 of the present article, or a separate adherence is made by virtue of § 2 above.

§ 4. The declarations of adherence, made by virtue of § 1 and § 2 of this article, shall be communicated through diplomatic channels to the government of the country on the territory of which was held the conference of plenipotentiaries, at which the present Convention was drawn up, and a copy thereof shall be transmitted by this government to each of the other contracting governments.

§ 5. The provisions of §§ 1 and 3 of this article shall also apply either to the acceptance of one or more of the sets of Regulations, or to the adherence to one or more of the sets of Regulations, within the terms of the provisions contained in article 2, § 2. Such acceptance or adherence shall be notified in conformity with the provisions of article 4.

§ 6. The provisions of the preceding paragraphs shall not apply to the colonies, protectorates, overseas territories, or territories under sovereignty, authority, or mandate which appear in the preamble of the present Convention.

ARTICLE 6

Ratification of the Convention

§ 1. The present Convention must be ratified by the signatory governments and the ratifications thereof must be deposited, as soon as possible, through diplomatic channels, in the archives of the government of the country which received the conference of plenipotentiaries that has drawn up the present Convention; this same government shall, through diplomatic channels, notify the other signatory and adhering governments of the ratifications, as soon as they are received.

§ 2. In case one or more of the signatory governments would not ratify the Convention, the latter shall none the less be valid for the governments which shall have ratified it.

ARTICLE 7

Approval of the Regulations

§ 1. The governments must, as soon as possible, submit their decision concerning the approval of the Regulations drawn up by the Conference. This approval shall be reported to the Bureau of the Union which shall inform the members of the Union accordingly.

§ 2. In case one or several of the governments concerned would not report such an approval, the new regulatory provisions shall none the less be valid for the governments which shall have approved them.

ARTICLE 8

Abrogation of Conventions and of Regulations Prior to the Present Convention

The present Convention and the Regulations annexed thereto shall abrogate and replace, in the relations between the contracting governments, the International Telegraph Conventions of Paris (1865),⁸ Vienna (1868),⁹ Rome (1872),¹⁰ and St. Petersburg (1875),¹¹ and the Regulations annexed thereto, as well as the International Radio-telegraph Conventions of Berlin (1906),¹² London (1912),¹³ and Washington (1927),¹⁴ and the Regulations annexed thereto.

ARTICLE 9

Execution of the Convention and of the Regulations

§ 1. The contracting governments undertake to apply the provisions of the present Convention and of the Regulations accepted by them, in all the offices and in all the telecommunication stations established or operated by them, and which are open to the international service of public correspondence, to the broadcasting service, or to the special services governed by the Regulations.

§ 2. Moreover, they agree to take the steps necessary to enforce the provisions of the present Convention and of the Regulations which they accept, upon the private operating agencies recognized by them and upon the other operating agencies duly authorized to establish and operate telecommunications of the international service whether or not open to public correspondence.

ARTICLE 10

Denunciation of the Convention by the Governments

§ 1. Each contracting government shall have the right to denounce the present Convention by a notification, addressed, through diplomatic channels, to the government of the country in which was held the conference of plenipotentiaries that has drawn up the present Convention, and announced by these governments to all the other contracting governments, likewise through diplomatic channels.

§ 2. This denunciation shall take effect at the expiration of the period of one year, beginning with the day on which the notification was received by the government of the country in which the last conference of plenipotentiaries

⁸ *British and Foreign State Papers*, vol. 56, p. 294.

⁹ *Ibid.*, vol. 59, p. 322.

¹⁰ *Ibid.*, vol. 66, p. 975.

¹¹ 57 LNTS 212.

¹² TS 568, *ante*, vol. 1, p. 556.

¹³ TS 581, *ante*, vol. 1, p. 883.

¹⁴ TS 767, *ante*, vol. 2, p. 683.

was held. This effect shall apply only to the author of the denunciation; the Convention shall remain in force for the other contracting governments.

ARTICLE 11

Denunciation of the Regulations by the Governments

§ 1. Each government shall have the right to terminate the obligation which it has undertaken to apply one of the sets of Regulations, by notifying its decision to the Bureau of the Union which shall inform thereof the other governments concerned. Such notification shall take effect at the expiration of the period of one year, beginning with the day on which it was received by the Bureau of the Union. This effect shall apply only to the author of the denunciation; the Regulations in question shall remain in force for the other governments.

§ 2. The provision of § 1 above shall not annul the obligation for the contracting governments to enforce at least one of the sets of Regulations, covered by article 2 of this Convention, taking into account the reservation contained in § 2 of the said article.

ARTICLE 12

Denunciation of the Convention and of the Regulations by Colonies, Protectorates, Overseas Territories, or Territories under Sovereignty, Authority, or Mandate of the Contracting Governments

§ 1. The application of the present Convention to a territory, by virtue of the provisions of § 1 or of § 2 of article 5, may terminate at any time.

§ 2. The declarations of denunciation provided for in § 1 above shall be notified and announced according to the conditions stated in § 1 of article 10; they shall take effect according to the provisions of § 2 of the latter article.

§ 3. The application of one or more of the sets of Regulations to a territory, by virtue of the provisions of § 5 of article 5, may terminate at any time.

§ 4. The declarations of denunciation provided for in § 3 above shall be notified and announced in accordance with the provisions of § 1 of article 11 and shall take effect under the conditions set forth in the said paragraph.

ARTICLE 13

Special Arrangements

The contracting governments reserve the right, for themselves, for the private operating agencies recognized by them, and for other operating agencies duly authorized to that effect, to conclude special arrangements on service matters which do not concern the governments in general. However, such arrangements must remain within the terms of the Convention and of the Regulations annexed thereto, as regards interference which their application might be likely to cause with the services of other countries.

ARTICLE 14

Relations with Noncontracting Governments

§ 1. Each of the contracting governments reserves the right, for itself and for the private operating agencies which it recognizes, to determine the conditions under which it will admit telecommunications exchanged with a country which has not adhered to the present Convention or to the Regulations which contain the provisions relative to the telecommunications involved.

§ 2. If a telecommunication originating in a nonadhering country is accepted by an adhering country, it must be transmitted and, so far as it uses the channels of a country adhering to the Convention and to the respective Regulations, the mandatory provisions of the Convention and of the Regulations in question, as well as the normal rates, shall be applicable to it.

ARTICLE 15

Arbitration

§ 1. In case of disagreement between two or more contracting governments concerning the execution of either the present Convention or the Regulations contemplated in article 2, the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of any one of the governments in disagreement.

§ 2. Unless the parties in disagreement agree to adopt a procedure already established by treaties concluded between them for the settlement of international disputes, or the procedure provided for in § 7 of this article, arbitrators shall be appointed in the following manner:

§ 3. (1) The parties shall decide, after mutual agreement, whether the arbitration is to be entrusted to individuals or to governments or administrations; failing an agreement on this matter, governments shall be resorted to.

(2) In case the arbitration is to be entrusted to individuals, the arbitrators must not be of the same nationality as any one of the parties concerned in the dispute.

(3) In case the arbitration is to be entrusted to governments or administrations, the latter must be chosen from among the parties adhering to the agreement, the application of which caused the dispute.

§ 4. The party appealing to arbitration shall be considered as the plaintiff. This party shall designate an arbitrator and notify the opposing party thereof. The defendant must then appoint a second arbitrator, within two months after the receipt of plaintiff's notification.

§ 5. If more than two parties are involved, each group of plaintiffs or of defendants shall appoint an arbitrator, observing the same procedure as in § 4.

§ 6. The two arbitrators thus appointed shall agree in designating an umpire who, if the arbitrators are individuals and not governments or administrations, must not be of the same nationality as either of them or either of the parties involved. Failing an agreement of the arbitrators as to the choice of the umpire, each arbitrator shall propose an umpire in no way concerned in the dispute. Lots shall then be drawn between the umpires proposed. The drawing of lots shall be done by the Bureau of the Union.

§ 7. Finally, the parties in dispute shall have the right to have their disagreement settled by a single arbitrator. In this case, either they shall agree on the choice of the arbitrator, or the latter shall be designated in conformity with the method indicated in § 6.

§ 8. The arbitrators shall be free to decide on the procedure to be followed.

§ 9. Each party shall bear the expenses it shall have incurred in the investigation of the dispute. The cost of the arbitration shall be apportioned equally among the parties involved.

ARTICLE 16

International Consulting Committees

§ 1. Consulting committees may be formed for the purpose of studying questions relating to the telecommunication services.

§ 2. The number, composition, duties, and functioning of these committees are defined in the Regulations annexed to the present Convention.

ARTICLE 17

Bureau of the Union

§ 1. A central office, called the Bureau of the International Telecommunication Union, shall function under the conditions stated hereinafter:

§ 2. (1) In addition to the work and operations provided for by the various other articles of the Convention and of the Regulations, the Bureau of the Union shall be charged with:

(a) work preparatory to and following conferences, in which it shall be represented in an advisory capacity;

(b) providing, in cooperation with the organizing administration involved, the secretariat of conferences of the Union, as well as, when so requested or when so provided for by the Regulations annexed to the present Convention, the secretariat of meetings of committees appointed by the Union or placed under the auspices of the latter;

(c) issuing such publications as will be found generally useful between two conferences.

(2) On the basis of the documents put at its disposal and of the information which it may gather, it shall publish periodically a journal of information and documentation concerning telecommunications.

(3) It must also, at all times, hold itself at the disposal of the contracting governments to furnish them with such opinions and information as they may need on questions concerning international telecommunications, and which it is in a better position to have or to obtain than these governments.

(4) It shall prepare an annual report on its activities, which shall be communicated to all members of the Union. The operating account shall be submitted, for examination and approval, to the plenipotentiary or administrative conferences provided for in article 18 of the present Convention.

§ 3. (1) The general expenses of the Bureau of the Union must not exceed, per year, the amounts specified in the Regulations annexed to the present Convention. These general expenses shall not include:

(a) the expenses pertaining to the work of plenipotentiary or administrative conferences,

(b) the expenses pertaining to the work of duly created committees.

(2) The expenses pertaining to the plenipotentiary and administrative conferences shall be borne by all the governments participating therein, in proportion to the contribution which they pay for the operation of the Bureau of the Union, in accordance with the provisions of the following subparagraph (3).

The expenses pertaining to the meetings of the committees regularly created shall be borne in accordance with the provisions of the Regulations annexed to the present Convention.

(3) The receipts and expenses of the Bureau of the Union must be carried in two separate accounts, one for the telegraph and telephone services, the other for the radio service. The expenses pertaining to each of these two divisions shall be borne by the governments adhering to the corresponding Regulations. For the apportioning of these expenses, the adhering governments shall be divided into six classes, each contributing at the rate of a certain number of units, namely:

1st class:	25 units
2d class:	20 units
3d class:	15 units
4th class:	10 units
5th class:	5 units
6th class:	3 units

(4) Each government shall inform the Bureau of the Union, directly or through its administration, of the class in which its country is to be placed. This classification shall be communicated to the members of the Union.

(5) The amounts advanced by the government supervising the Bureau

of the Union must be refunded by the debtor governments with the briefest possible delay, and, at the latest, at the end of the fourth month following the month during which the account was rendered. After this period, the amounts due shall bear interest, accruing to the creditor government, at the rate of six percent (6%) per annum, counting from the date of expiration of the above-mentioned period.

§ 4. The Bureau of the Union shall be placed under the high supervision of the Government of the Swiss Confederation which shall regulate its organization, supervise its finances, make the necessary advances, and audit the annual accounts.

CHAPTER II

CONFERENCES

ARTICLE 18

Conferences of Plenipotentiaries and Administrative Conferences

§ 1. The provisions of the present Convention shall be subject to revision by conferences of plenipotentiaries of the contracting governments.

§ 2. Revision of the Convention shall be undertaken when it has been so decided by a preceding conference of plenipotentiaries, or when at least twenty contracting governments have so stated their desire to the government of the country in which the Bureau of the Union is located.

§ 3. The provisions of the Regulations annexed to this Convention shall be subject to revision by administrative conferences of delegates from the contracting governments which have approved the Regulations to be revised, each conference itself determining the place and time for the following meeting.

§ 4. Each administrative conference may permit the participation, in an advisory capacity, of private operating agencies recognized by the respective contracting governments.

ARTICLE 19

Change of Date of a Conference

§ 1. The time set for the meeting of a conference of plenipotentiaries or of an administrative conference may be advanced or postponed if request to this effect is made by at least ten of the contracting governments to the government of the country in which the Bureau of the Union is located, and if such proposal is agreed to by the majority of the contracting governments which shall have forwarded their opinion within the time indicated.

§ 2. The conference shall then be held in the country originally designated, if the government of that country consents. Otherwise, the contracting governments shall be consulted through the government of the country in which the Bureau of the Union is located.

ARTICLE 20

Internal Regulations of the Conferences

§ 1. Before any other deliberation, each conference shall establish Internal Regulations containing the rules according to which the debates and the work shall be organized and conducted.

§ 2. For this purpose, the conference shall take as a basis the Internal Regulations of the preceding conference, which it may modify if deemed advisable.

ARTICLE 21

Language

§ 1. The language used in drafting the acts of the conferences and for all the documents of the Union, shall be French.

§ 2. (1) In the discussions of conferences, the French and English languages shall be permitted.

(2) Speeches made in French shall immediately be translated into English, and vice versa, by official interpreters of the Bureau of the Union.

(3) Other languages may also be used in the discussions of the conferences, on condition that the delegates using them provide for the translation of their own speeches into French or into English.

(4) Likewise these delegates may, if they so desire, have speeches in French or in English translated into their own language.

CHAPTER III

GENERAL PROVISIONS

ARTICLE 22

Telecommunication as a Public Service

The contracting governments recognize the right of the public to correspond by means of the international service of public correspondence. The service, the charges, the guarantees shall be the same for all senders, without any priority or preference whatsoever not provided for by the Convention or the Regulations annexed thereto.

ARTICLE 23

Responsibility

The contracting governments declare that they accept no responsibility in regard to the users of the international telecommunication service.

ARTICLE 24

Secrecy of Telecommunications

§ 1. The contracting governments agree to take all the measures possible, compatible with the system of telecommunication used, with a view to insuring the secrecy of international correspondence.

§ 2. However, they reserve the right to communicate international correspondence to the proper authorities, in order to insure either the application of their internal legislation, or the execution of international conventions, to which the governments concerned are parties.

ARTICLE 25

Constitution, Operation, and Protection of the Telecommunication Installations and Channels

§ 1. The contracting governments, in agreement with the other contracting governments concerned, shall establish, under the best technical conditions, the channels and installations necessary to carry on the rapid and uninterrupted exchange of telecommunications in the international service.

§ 2. So far as possible, these channels and installations must be operated by the best methods and procedures which the practice of the service shall have made known; they must be maintained constantly in operating condition and kept abreast of scientific and technical progress.

§ 3. The contracting governments shall insure the protection of these channels and installations within the limits of their respective action.

§ 4. Unless other conditions are laid down by special arrangements, each contracting government shall, at its own expense, establish and maintain the sections of international conductors included within the limits of the territory of its country.

§ 5. In the countries where certain telecommunication services are operated by private operating agencies recognized by the governments, the above-mentioned obligations shall be undertaken by the private operating agencies.

ARTICLE 26

Stoppage of Telecommunications

§ 1. The contracting governments reserve the right to stop the transmission of any private telegram or radiotelegram which might appear dangerous to the safety of the state or contrary to the laws of the country, to public order, or to decency, provided that they immediately notify the office of origin of the stoppage of the said communication or of any part thereof, except when it might appear dangerous to the safety of the state to issue such notice.

§ 2. The contracting governments likewise reserve the right to interrupt any private telephone communication which might appear dangerous to the safety of the state or contrary to the laws of the country, to public order, or to decency.

ARTICLE 27

Suspension of Service

Each contracting government reserves the right to suspend the service of international telecommunication for an indefinite time if it deems neces-

sary, either generally or only as regards certain connections and/or certain classes of communications, provided that it immediately so advise each of the other contracting governments, through the intermediary of the Bureau of the Union.

ARTICLE 28

Investigation of Violations

The contracting governments undertake to inform each other concerning violations of the provisions of the present Convention and of the Regulations which they accept, in order to facilitate the action to be taken.

ARTICLE 29

Charges and Franking Privileges

The provisions relating to the charges for telecommunications and the various cases in which the latter enjoy franking privileges are laid down in the Regulations annexed to the present Convention.

ARTICLE 30

Priority of Transmission for Government Telegrams and Radiotelegrams

In transmission, government telegrams and radiotelegrams shall enjoy priority over other telegrams and radiotelegrams, except in the case when the sender expressly waives such right of priority.

ARTICLE 31

Secret Language

§ 1. Government telegrams and radiotelegrams as well as service telegrams and radiotelegrams, in all relations, may be written in secret language.

§ 2. Private telegrams and radiotelegrams may be sent in secret language between all the countries, except those which previously, through the intermediary of the Bureau of the Union, have announced that they do not permit such language for these categories of messages.

§ 3. Contracting governments which do not permit private telegrams and radiotelegrams in secret language from or to their own territory must permit them to pass in transit, except in the case of suspension of service provided for in article 27.

ARTICLE 32

Monetary Unit

The monetary unit used in the composition of international telecommunication rates and in setting up the international accounts shall be the gold franc of 100 centimes, weighing 10/31 of a gram, and of a fineness of 0.900.

ARTICLE 33

Rendering of Accounts

The contracting governments must account to one another for the charges collected by their respective services.

CHAPTER IV

SPECIAL PROVISIONS FOR RADIO

ARTICLE 34

Intercommunication

§ 1. Stations carrying on radio communications in the mobile service shall be bound, within the scope of their normal operation, to exchange radio communications with one another irrespective of the radio system they have adopted.

§ 2. In order not to hinder scientific progress, however, the provisions of the preceding paragraph shall not prevent the use of a radio system incapable of communicating with other systems provided that this inability is due to the specific nature of the system and that it is not the result of devices adopted solely for the purpose of preventing intercommunication.

ARTICLE 35

Interference

§ 1. All stations, regardless of their purpose, must, so far as possible, be established and operated in such a manner as not to interfere with the radio services or communications of either the other contracting governments, or the private operating agencies recognized by these contracting governments and of other duly authorized operating agencies which carry on radio-communication service.

§ 2. Each contracting government which does not operate the radio facilities itself undertakes to require the private operating agencies recognized by it and the other operating agencies duly authorized for this purpose, to observe the provisions of § 1 above.

ARTICLE 36

Distress Calls and Messages

Stations participating in the mobile service shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as they may require.

ARTICLE 37

False or Deceptive Distress Signals—Irregular Use of Call Signals

The contracting governments agree to take the steps required to prevent the transmission or the putting into circulation of false or deceptive distress signals or distress calls, and the use, by a station, of call signals which have not been regularly assigned to it.

ARTICLE 38

Limited Service

Notwithstanding the provisions of § 1 of article 34, a station may be assigned to a limited international telecommunication service, determined by the purpose of such telecommunication or by other circumstances independent of the system.

ARTICLE 39

Installations of National Defense Services

§ 1. The contracting governments retain their full freedom in regard to radio installations not covered by article 9 and, particularly, the military stations of land, maritime, or air forces.

§ 2. (1) However, these installations and stations must, so far as possible, comply with the regulatory provisions concerning aid to be rendered in case of distress and measures to be taken to avoid interference. They must also, to the extent possible, comply with the regulatory provisions concerning the types of waves and the frequencies to be used, according to the nature of the service performed by the said services.

(2) Moreover, when these installations and stations exchange public correspondence or engage in the special services governed by the Regulations annexed to the present Convention, they must, in general comply with the regulatory provisions for the conduct of such services.

CHAPTER V

FINAL PROVISIONS

ARTICLE 40

Effective Date of the Convention

The present Convention shall become effective on the first day of January, nineteen hundred and thirty-four.

In witness whereof the respective plenipotentiaries have signed the Convention in a single copy which shall remain deposited in the archives of the Government of Spain and one copy of which shall be forwarded to each government.

Done at Madrid, December 9, 1932.

For the Union of South Africa:

H. J. LENTON
A. R. McLACHLAN

For Germany:

HERMANN GIESS
HANS STEIDLE
PAUL JÄGER
HANS HARBICH
PAUL MÜNCH
MARTIN FEUERHAHN
SIEGFRIED MEY
FRIEDRICH HERATH
RUDOLF SALZMANN
ERHARD MAERTENS
CURT WAGNER

For the Argentine Republic:

D. GARCÍA-MANSILLA
R. CORREA LUNA
LUIS S. CASTIÑEIRAS
M. SAÉNZ BRIONES

For the Commonwealth of Australia:

J. M. CRAWFORD

For Austria:

RUDOLF OESTREICHER
H. PFEUFFER

For Belgium:

B. MAUS
R. CORTEIL
J. F. G. LAMBERT
H. E. FOSSION

For Bolivia:

JORGE SAÉNZ

For Brazil:

LUIS GUIMARÃES

For Canada:

ALFRED DURANLEAU
W. ARTHUR STEEL
JEAN DÉSY

For Chile:

E. BERMÚDEZ

For China:

LINGOH WANG

For the Vatican City State:

GUISEPPE GIANFRANCESCHI

For the Republic of Colombia:

JOSÉ JOAQUIN CASAS
ALBERTO SÁNCHEZ DE IRIARTE
W. MACLELLAN

For the French Colonies, protectorates
and territories under French man-
date:

CAROUR

For the Portuguese colonies:

ERNESTO JULIO NAVARRO
ARNALDO DE PAIVA CARVALHO
JOSÉ MÉNDES DE VASCONCELLOS
GUIMARÃES
MARIO CORREA BARATA DA CRUZ

For the Swiss Confederation:

G. KELLER
E. METZLER

For the Belgian Congo:

F. TONDEUR

For Costa Rica:

A. MARTIN LANUZA

For Cuba:

MANUEL S. PICHARDO

For Curaçao and Surinam:

G. SCHOTEL
HOOGWOONING

For Cyrenaica:

G. GNEME
FRANCESCO DELLA PORTA

For Denmark:

KAY CHRISTIANSEN
C. LERCHE
GREDSTED

For the Free City of Danzig:

H. KOWALSKI
ZANDER

For the Dominican Republic:

E. BRACHE
JUAN DE OLÓZAGA

For Egypt:

R. MURRAY
MOHAMED SAID

For the Republic of El Salvador:

RAÚL CONTRERAS

For Ecuador:

HIPÓLITO DE MOZONCILLO
ABEL ROMEO CASTILLO

For Eritrea:

G. GNEME
FRANCESCO DELLA PORTA

For Spain:

MIGUEL SASTRE
RAMÓN MIGUEL NIETO
GABRIEL HOMBRE
FRANCISCO VIDAL
J. DE ENCIO
TOMÁS FERNÁNDEZ QUINTANA
LEOPOLDO CAL
TRINIDAD MATRES
CARLOS BORDONS

For the United States of America:

EUGENE O. SYKES

C. B. JOLLIFFE

WALTER LICHTENSTEIN

IRVIN STEWART

For the Kingdom of Ethiopia:

BADGERONDE FEKRÉ-SELLASSIÉ

For Finland:

NILO ORASMAA

VILJO YLÖSTALO

For France:

JULES GAUTIER

For the United Kingdom of Great Britain and Northern Ireland:

F. W. PHILLIPS

J. LOUDEN

F. W. HOME

C. H. BOYD

J. P. G. WORLLEDGE

For Greece:

TH. PENTHEROUDAKIS

S. NICOLIS

For Guatemala:

VIRGILIO RODRÍGUEZ BETETA

ENRIQUE TRAUMANN

RICARDO CASTAÑEDA PAGANINI

For the Republic of Honduras:

ANTN GRAÍÑO

For Hungary:

FRANÇOIS HAVAS

JULES ERDÖSS

For the Italian islands of the Aegean:

G. GNEME

E. MARIANI

For British India:

M. L. PASRICHA

P. J. EDMUNDS

For the Netherlands Indies:

A. J. H. VAN LEEUWEN

VAN DOOREN

G. SCHOTEL

HOOGEWONING

For the Irish Free State:

P. S. ÓH-ÉIGEARTAIGH

E. CÚSÍN

For Iceland:

G. J. HLIDDAL

For Italy:

G. GNEME

G. MONTEFINALE

For Japan,

For Chosen, Taiwan, Karafuto, Kwantung Leased Territory and the South Sea Islands under Japanese mandate:

SAICHIRO KOSHIDA

Y. YONEZAWA

T. NAKAGAMI

TAKEO IINO

For Latvia:

B. EINBERG

For Liberia:

LUIS MARIA SOLER

For Lithuania:

K. GAIGALIS

For Luxemburg:

JAAQUES

For Morocco:

CHANTON

For Mexico:

GENERO ESTRADA

EMILIO TORRES

AGUSTIN FLORES JR.

S. TAYABAS

For Nicaragua:

JOSÉ GARCÍA-PLAZA

For Norway:

T. ENGSET

HERMOD PETERSEN

ANDR. HADLAND

For New Zealand:

M. B. ESSON

For the Republic of Panama:

M. LASSO DE LA VEGA

For the Netherlands:

H. J. BOETJE

H. C. FELSER

C. H. DE VOS

J. A. BLAND VAN DEN BERG

W. DOGTEROM

For Peru:

JUAN DE OSMÁ

For Persia:

MOHSEN KHAN RAÏS

For Poland:

H. KOWALSKI

ST. ZUGHMANTOWICZ

KASIMIER GOEBEL

K. KRULISZ

KAZIMIERZ SZYMANSKI

For Portugal:	For Tunisia:
MIGUEL VAZ DUARTE BACELAR	COURZET
JOSÉ DE LIZ FERREIRA JR.	For Turkey:
DAVID DE SOUSA PIRES	FAHRI
JOAQUIM RODRIGUEZ GONÇALVES	IHSAN CEMAL
For Rumania:	MAZHAR
TANASESCU	For the Union of Soviet Socialist Republics:
For Italian Somalia:	EUGÈNE HIRSCHFELD
G. GNAME	ALEXANDRE KOKADEEV
For Sweden:	For Uruguay:
G. WOLD	Ad referendum for the Government of Uruguay.
For Syria and Lebanon:	DANIEL CASTELLANOS
MORILLON	For Venezuela:
For Czechoslovakia:	CÉSAR MARMOL CUERVO
STRNAD	ANTONIO REYES
OTTO KUČERA	For Yugoslavia:
VACLAV KUČERA	D. ZLATANOVITCH
JAROMIR SVOBODA	
For Tripolitania:	
G. GNAME	
D. CRETU	

ANNEX

(See article 1, § 2)

Definition of Terms Used in the International Telecommunication Convention

Telecommunication: Any telegraph or telephone communication of signs, signals, writings, images, and sounds of any nature, by wire, radio, or other systems or processes of electric or visual (semaphore) signaling.

Radio communication: Any telecommunication by means of Hertzian waves.

Radiotelegram: Telegram originating in or intended for a mobile station, transmitted on all or part of its route over the radio-communication channels of the mobile service.

Government telegrams and radiotelegrams: Those emanating from:

- (a) the head of a government;
- (b) a minister, member of a government;
- (c) the head of a colony, protectorate, overseas territory, or territory under sovereignty, authority, or mandate of the contracting governments;
- (d) commanders in chief of land, naval, or air military forces;
- (e) diplomatic or consular officers of the contracting governments;
- (f) the secretary general of the League of Nations,

as well as the replies to such messages.

Service telegrams and radiotelegrams: Those emanating from the telecommunication administrations of the contracting governments, or from any private operating agency recognized by one of these governments, and which refer to international telecommunications, or to matters of public interest determined by agreement among the said administrations.

Private telegrams and radiotelegrams: Those other than a service or government telegram and radiotelegram.

Public correspondence: Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

Private operating agency: Any individual, company, or corporation, other than a governmental institution or agency, which is recognized by the government concerned and operates telecommunication installations for the purpose of exchanging public correspondence.

Administration: A government administration.

Public service: A service for the use of the public in general.

International service: A telecommunication service between offices or stations subject to different countries, or between stations of the mobile service except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national telecommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as an international service from the standpoint of interference.

Limited service: A service which can be used only by specified persons or for special purposes.

Mobile service: A radio-communication service carried on between mobile and land stations and by mobile stations communicating among themselves, special services being excluded.

[For text of general radio regulations annexed to the convention, final protocol to general regulations, and additional radio regulations, see 49 Stat. 2445 or p. 181 of TS 867.]

CHINESE COURTS IN THE INTERNATIONAL SETTLEMENT AT SHANGHAI

Exchange of notes signed at Nanking February 8, 1933, extending agreement of February 17, 1930; exchange of notes signed at Nanking February 11 and 12, 1933, regarding delay in civil proceedings; unilateral declaration signed at Nanking February 8, 1933, renewing declaration of February 17, 1930, regarding guaranteed rights

Entered into force February 8, 1933; effective April 1, 1933

*Terminated May 20, 1943, as between the United States and China by treaty of January 11, 1943*¹

48 Stat. 1772; Executive Agreement Series 45

EXTENSION OF AGREEMENT

The Foreign Signatories to the Chinese Minister for Foreign Affairs

NANKING, 8th February, 1933.

SIR,

Article 10 of the Agreement signed at Nanking on February 17, 1930,² between the representative of the Chinese Government on the one hand and the representatives of the Brazilian, American, French, United Kingdom, Norwegian and Netherlands Governments on the other hand relating to the Chinese courts in the International Settlement at Shanghai provides as follows:

"The present Agreement and the attached Notes shall enter into effect on April 1st, 1930, and shall continue in force for a period of three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto."

It is now proposed, as arranged between us, that the said Agreement and attached Notes shall be extended for a period of three years from April 1st, 1933; that either of the parties thereto may notify the other, six months before the expiration of the period, of their desire to denounce them; and that in case both parties fail to do so in time, the Agreement and attached Notes

¹ TS 984, *post*, CHINA.

² EAS 37, *ante*, vol. 2, p. 1040.

shall continue in force thereafter, until they are denounced by either of the parties thereto, of which denunciation six months prior notice shall be given to the other party.

We have the honour on behalf of our respective Governments to agree to the proposed arrangements set forth above for the extension of the said Agreement and attached Notes and to request Your Excellency's confirmation thereof.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
Counsellor of Legation
on behalf of the American Minister

PHILIPPE BAUDET
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty's Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister

HIS EXCELLENCY

DOCTOR LO WEN-KAN,
Minister for Foreign Affairs,
Nanking.

The Chinese Minister for Foreign Affairs to the American Minister

WAICHIAOPU
Nanking, February 8, 1933.

No. 577

EXCELLENCY:

I have the honor to acknowledge receipt of your Note of to-day's date which reads as follows:

"Article 10 of the Agreement signed at Nanking on February 17th, 1930, between the representative of the Chinese Government on the one hand and the representatives of the Brazilian, American, French, United Kingdom, Norwegian and Netherlands Governments on the other hand relating to the Chinese courts in the International Settlement at Shanghai provides as follows:

"The present Agreement and the attached Notes shall enter into effect on April 1st, 1930, and shall continue in force for a period of three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto."

"It is now proposed, as arranged between us, that the said Agreement and attached Notes shall be extended for a period of three years from April 1st, 1933, that either of the parties thereto may notify the other, six months before the expiration of the period, of their desire to denounce them; and that, in case both parties fail to do so in time, the Agreement and attached

Notes shall continue in force thereafter until they are denounced by either of the parties thereto, of which denunciation six months prior notice shall be given to the other party.

"We have the honor on behalf of our respective Governments to agree to the proposed arrangements set forth above for the extension of the said Agreement and attached Notes and to request Your Excellency's confirmation thereof."

In reply I have the honor to confirm that the Chinese Government agrees to the proposed arrangements as set forth above.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

LO WEN-KAN.

HIS EXCELLENCY

MR. NELSON T. JOHNSON,
*American Minister to China,
American Legation,
Peiping.*

NOTES REGARDING DELAY IN CIVIL PROCEEDINGS

The Foreign Signatories to the Chinese Minister for Foreign Affairs

NANKING, 11th February, 1933.

SIR,

With reference to our recent conversations we understand that measures are now under contemplation by the Chinese authorities for checking undue delay in civil proceedings, with special reference to matters of appeal and execution of judgment, and that such measures, when adopted, will apply also to the Courts functioning in the International Settlement at Shanghai. We should be grateful for Your Excellency's confirmation of the above understanding.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
*Counsellor of Legation
on behalf of the American Minister*

PHILIPPE BAUDET
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty's Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister

HIS EXCELLENCY

DR. LO WEN-KAN,
*Minister for Foreign Affairs,
Nanking*

The Chinese Minister for Foreign Affairs to the American Minister

WAICHIAOPU

Nanking, February 12, 1933.

EXCELLENCY:

I have the honor to acknowledge the receipt of your Note of yesterday's date which reads as follows:

"With reference to our recent conversations we understand that measures are now under contemplation by the Chinese authorities for checking undue delay in civil proceedings, with special reference to matters of appeal and execution of judgment and that such measures, when adopted, will apply also to the Courts functioning in the International Settlement at Shanghai. We should be grateful for Your Excellency's confirmation of the above understanding."

In reply I have the honor to confirm that the above understanding is correct.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

LO WEN-KAN

HIS EXCELLENCY

MR. NELSON T. JOHNSON,
*American Minister to China,
American Legation,
Peiping.*

RENEWAL OF UNILATERAL DECLARATION REGARDING
GUARANTEED RIGHTS

*Declaration of the Foreign Signatories to the Chinese Minister
for Foreign Affairs*

NANKING, 8th February, 1933.

SIR,

With reference to the Notes which we have exchanged to-day relating to the extension of the Agreement concerning the Shanghai Courts, we have the honour to renew the declaration made in our Note of February 17th, 1930, as follows:

"We desire to point out that such Agreement cannot in any way affect or invalidate rights guaranteed to the Powers concerned and to their nationals under existing Treaties between such Powers and China and we accordingly reserve our full rights in this regard. We further reserve the right to object to the enforcement in the International Settlement of any future Chinese laws

that affect or in any way invalidate the Land Regulations or Byelaws of the International Settlement or that may be considered prejudicial to the maintenance of peace and order within this area."

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
Counsellor of Legation
on behalf of the American Minister

PHILIPPE BAUDET
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty's Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister

HIS EXCELLENCY

DR. LO WEN-KAN,
Minister for Foreign Affairs,
Nanking.

SANITARY AERIAL NAVIGATION

*Convention opened for signature at The Hague April 12, 1933, and signed for the United States, with reservations, April 6, 1934*¹

*Senate advice and consent to ratification, with reservations, June 5, 1935*¹

*Ratified by the President of the United States, with reservations, June 13, 1935*¹

Ratification of the United States deposited at The Hague July 25, 1935

Entered into force August 1, 1935; for the United States November 22, 1935

Proclaimed by the President of the United States October 25, 1935

Modified by convention of December 15, 1944,² as between contracting parties to the later convention; replaced by International Sanitary Regulations (World Health Organization Regulations No. 2) of May 25, 1951,³ as amended, as between states bound by the regulations

49 Stat. 3279; Treaty Series 901

[TRANSLATION]

INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION

With a view to the regulation of the sanitary control of aerial navigation, the undersigned, plenipotentiaries of the High Contracting Parties, furnished with full powers found in good and due form, have agreed on the following articles:

PART I

GENERAL PROVISIONS

ARTICLE 1

For the purposes of this convention the High Contracting Parties adopt the following definitions:

¹ For text of U.S. reservations made at time of signing and maintained in the Senate's resolution of advice and consent and in the President's ratification, see p. 110.

² TS 992, *post*, p. 982.

³ 7 UST 2255; TIAS 3625.

I. The word *aircraft* includes any machine which can derive support in the atmosphere from the reactions of the air and is intended for aerial navigation.

The present convention applies only to aircraft—

1. of which the place of departure and place of final landing are situated in different territories;

2. which, although the place of departure and place of final landing are situated on the same territory, make an intermediate landing on a different territory;

3. which fly without landing over more than one territory, whether these territories are placed under the sovereignty, suzerainty, mandate, or authority of the same power or of different powers.

II. The words *authorized aerodrome* denote a customs or other aerodrome specially designated as such by the competent authority of the state in which it is situated and on which aircraft may make their first landing on entering a territory or from which they may depart on leaving a territory.

III. The words *sanitary aerodrome* denote an authorized aerodrome organized and equipped in accordance with the terms of article 5 of the present convention and designated as such by any competent authority of the country.

IV. The word *crew* includes any person having duties on board in connection with the flying or the safety of the flight of the aircraft, or employed on board, in any way, in the service of the aircraft, the passengers, or the cargo.

V. The words *local area* denote a well-defined area, such as a province, a government, a district, a department, a canton, an island, a commune, a town, a quarter of a town, a village, a port, an agglomeration, etc., whatever may be the extent and population of such areas.

Subject to the conditions laid down in article 8 of the present convention, an aerodrome may constitute a local area.

VI. The word *observation* means the isolation of persons in a suitable place.

The word *surveillance* means that persons are not isolated, that they may move about freely, but that they are notified to the sanitary authorities of the several places whither they are bound and are subjected to a medical examination with a view to establishing their state of health.

VII. The word *day* means an interval of 24 hours.

ARTICLE 2

Whatever relates in the present convention to aerodromes is to be understood as applying *mutatis mutandis* to places for the landing on water of hydroplanes and similar craft.

SECTION I

Aerodromes in General and Their Staff

ARTICLE 3

Each High Contracting Party undertakes to provide its authorized aerodromes with a sanitary organization adapted to the current needs of prophylaxis which as a minimum shall consist of definite arrangements to insure the attendance of a medical practitioner at such times as may be necessary for the medical examinations contemplated by the present convention.

ARTICLE 4

It rests with each High Contracting Party, taking into account the risks of infectious disease to which its territory may be exposed, to decide whether or not to establish sanitary aerodromes and which authorized aerodromes shall be selected for this purpose.

ARTICLE 5

The sanitary aerodrome shall at all times have at its disposal—

- (a) an organized medical service, with one medical officer at least and one or more sanitary inspectors, it being understood that this staff will not necessarily be in permanent attendance at the aerodrome;
- (b) a place for medical inspection;
- (c) equipment for taking and dispatching suspected material for examination in a laboratory, if such examination cannot be made on the spot;
- (d) facilities, in the case of necessity, for the isolation, transport, and care of the sick, for the isolation of contacts separately from the sick, and for carrying out any other prophylactic measure in suitable premises, either within the aerodrome, or in proximity to it;
- (e) apparatus necessary for carrying out disinfection, disinsectization, and deratization, if required, as well as any other measures laid down in the present convention.

The aerodrome shall be provided with a sufficient supply of wholesome drinking water and with a proper and safe system for the disposal of excreta and refuse and for the removal of waste water. The aerodrome shall, as far as possible, be protected from rats.

ARTICLE 6

The medical officer of the sanitary aerodrome shall be an official of or approved by the competent sanitary authority.

ARTICLE 7

Each High Contracting Party shall communicate, either to the Office International d'Hygiène Publique, or to the International Commission for Air Navigation, which will transmit to each other the information thus

received, a list of its sanitary aerodromes in order that it may be brought to the knowledge of the other High Contracting Parties. The communication shall include, in the case of each aerodrome, details as to its situation, its sanitary equipment, and its sanitary staff.

The notification to the Office International d'Hygiène Publique provided for in the present article, as well as in articles 8, 37, 40, 58, 59, and 60 of the present convention, may, in the case of those High Contracting Parties who have adhered to the Pan American Sanitary Code,⁴ be made through the intermediary of the Pan American Sanitary Bureau.

ARTICLE 8

In order that a sanitary aerodrome may be designated as a local area for the purpose of notification of infectious diseases and for other purposes as provided by the present convention, it must be so organized that—

1. the entry or exit of any person is under the supervision and control of the competent authority;

2. in the case of a disease specified in article 18 of this convention occurring in the surrounding territory, access to the aerodrome by any route other than the air is forbidden to persons suspected of being infected, and measures are applied, to the satisfaction of the competent authority, with a view to preventing persons who are resident in or passing through the aerodrome from being exposed to the risk of infection, either by contact with persons from outside or by any other means.

In order that an authorized aerodrome which is not a sanitary aerodrome may similarly be designated a local area it is necessary, in addition, that it shall be so situated topographically as to be beyond all probable risk of infection from without.

The High Contracting Parties shall notify to the Office International d'Hygiène Publique aerodromes which have been constituted local areas in accordance with the terms of the present article, and the Office International d'Hygiène Publique will communicate the notification to the other High Contracting Parties and to the International Commission for Air Navigation.

SECTION II

Aircraft Sanitary Documents

ARTICLE 9

The following entries shall be made in the journey logbook, under the heading "Observations":

1. Any facts relevant to public health which have arisen on the aircraft in the course of the voyage;

⁴ Convention signed at Havana Nov. 14, 1924 (TS 714), *ante*, vol. 2, p. 483.

2. Any sanitary measures undergone by the aircraft before departure or at places of call in application of the present convention;

3. Information concerning the appearance in the country from which the aircraft is departing of any of the infectious diseases mentioned in part III of the present convention. This entry is made with a view to facilitating the medical examinations which passengers arriving at aerodromes in another territory may be required to undergo.

For this purpose, the government of any noninfected country in which one of the said diseases makes its appearance shall, in addition to other means by which it is already required to inform other countries of the outbreak of such diseases and their nature, transmit the necessary information to the competent authorities of each of its authorized aerodromes. The latter shall enter the information in the journey log of any aircraft leaving the aerodrome during a period of 15 days from the date on which the information was first received.

Aircraft shall not be required to carry bills of health. The entries made in the journey logbook in accordance with the terms of this article shall be verified and certified free of charge by the competent authority of the aerodrome.

SECTION III

Merchandise and Mail

ARTICLE 10

In addition to the measures prescribed in articles 25, 29, 33, 42, 44, 47, 49, and 51 of the present convention, merchandise in aircraft may be subjected to the laws of the country as regards measures to be applied to merchandise imported by whatever means of transport.

ARTICLE 11

Letters and correspondence, printed matter, books, newspapers, business documents, postal packages, and anything sent by post shall not be subject to any sanitary measure unless they contain articles coming within the terms of article 33 of the present convention.

PART II

SANITARY REGULATIONS GENERALLY APPLICABLE

ARTICLE 12

In the case of sanitary or authorized aerodromes, the medical officer attached to the aerodrome has the right, either before the departure or after the landing of aircraft, to proceed to inspect the sanitary condition of passengers and crew, whenever circumstances justify this measure.

This visit should, however, be so arranged in relation to the other ordinary administrative and customs operations as to avoid any delay or interference

with the continuation of the voyage. No fees shall be charged for this inspection. Reservation is made of the right of the Maritime and Quarantine Sanitary Board of Egypt to levy dues in accordance with its special powers.

ARTICLE 13

The competent authority of any aerodrome may, on the advice of the medical officer attached to the aerodrome, prohibit the embarkation of persons with symptoms of infectious disease, except in the case of the transport of sick persons by aircraft specially allocated for the purpose.

In the absence of a medical officer, the competent authority of the aerodrome may defer the departure of such persons until the advice of a doctor has been obtained.

ARTICLE 14

Aircraft in flight are forbidden to throw or to drop matter capable of producing the outbreak of infectious disease.

ARTICLE 15

If the commander of the aircraft wishes to disembark a sick person, he shall, so far as he is able, notify the aerodrome of arrival in good time before landing.

ARTICLE 16

If there is on board an aircraft a case of an infectious disease, duly verified by the medical officer attached to the aerodrome, not being a disease specified in part III of the present convention, the usual measures in force in the country in which the aerodrome is situated shall be applied. The sick person may be landed and, if the competent sanitary authority considers it desirable, isolated in a suitable place; the other passengers and the crew shall have the right to continue the voyage, after medical inspection and, if necessary, the carrying out of the appropriate sanitary measures.

Such of these sanitary measures as can be carried out at the aerodrome shall be so arranged in relation to the administrative and customs operations that the aircraft may be detained as short a time as possible.

ARTICLE 17

Except as expressly provided for in the present convention, aircraft shall be exempt from sanitary formalities at the aerodromes both of call and of final destination.

PART III

SANITARY REGULATIONS APPLICABLE IN THE CASE OF CERTAIN DISEASES

ARTICLE 18

The diseases which are the subject of the special measures prescribed by this part of the convention are: Plague, cholera, yellow fever, exanthematous typhus, and smallpox.

ARTICLE 19

For the purposes of the present convention, the period of incubation is reckoned as:

- 6 days in the case of plague;
- 5 days in the case of cholera;
- 6 days in the case of yellow fever;
- 12 days in the case of exanthematous typhus; and
- 14 days in the case of smallpox.

ARTICLE 20

The chief health authorities shall transmit to the sanitary and authorized aerodromes of their respective countries all information contained in the epidemiological notifications and communications received from the Office International d'Hygiène Publique (and the regional bureaus with which it has made agreements for this purpose) in execution of the provisions of the International Sanitary Convention of June 21, 1926,⁵ which may affect the exercise of sanitary control in those aerodromes.

ARTICLE 21

The measures prescribed in this part of the convention shall be regarded as constituting a maximum, within the limits of which the High Contracting Parties may regulate the procedure which may be applied to aircraft.

It is for each High Contracting Party to determine whether measures should be applied, within the limits of the present convention, to arrivals from a foreign local area or aerodrome.

In this respect, information received and measures already applied shall, in accordance with article 54 of the present convention, be taken into the fullest possible account.

ARTICLE 22

For the purpose of part III of the present convention, a local area is considered to be infected when the conditions specified in the International Sanitary Convention of June 21, 1926,⁶ are applicable to it.

⁵ TS 762, *ante*, vol. 2, p. 545.

⁶ According to the terms of the International Sanitary Convention of June 21, 1926, art. 10 and the first paragraph of art. 11, a local area is considered "infected" by one of the diseases in question in the following circumstances: For *plague* and *yellow fever*, when the first case recognized as nonimported is reported; for *cholera*, when forming a "foyer"—that is, when the occurrence of new cases outside the immediate surroundings of the first cases proves that the spread of the disease has not been confined to the place where it began; for *exanthematous typhus* and *smallpox*, when they appear in epidemic form. [Footnote in original.]

CHAPTER I

MEASURES APPLICABLE IN CASE OF PLAGUE, CHOLERA, TYPHUS,
AND SMALLPOX

SECTION I

Measures on Departure

ARTICLE 23

The measures to be applied on the departure of aircraft from a local area infected by one of the diseases mentioned in this chapter are the following:

1. Thorough cleansing of the aircraft, especially the parts liable to be contaminated;
2. Medical inspection of passengers and crew;
3. Exclusion of any person showing symptoms of one of the diseases in question, as well as of persons in such close relation with the sick as to render them liable to transmit the infection of these diseases;
4. Inspection of personal effects, which shall only be accepted if in a reasonable state of cleanliness;
5. In the case of plague, deratization, if there is any reason to suspect the presence of rats on board;
6. In case of exanthematous typhus, disinsectization, limited to persons who, after medical inspection, are considered as likely to convey infection, and to their effects.

The aircraft's papers shall be annotated in accordance with the requirements of article 9.

SECTION II

Measures on Arrival

ARTICLE 24

Aircraft, even when coming from a local area infected by one of the diseases to which this chapter applies, may land at any authorized aerodrome. Nevertheless, each High Contracting Party, if epidemiological conditions demand such action, has the right to require aircraft coming from particular local areas to land at prescribed sanitary or authorized aerodromes, account being taken of the geographical position of those aerodromes and of the routes followed by the aircraft, in such manner as not to hamper aerial navigation.

The only measures which, if necessary, may be taken at authorized aerodromes which are not also sanitary aerodromes are the medical inspection of crew and passengers and the landing and isolation of the sick. Passengers and crew may not move beyond the limits prescribed by the aerodrome authority except with the permission of the visiting medical officer. This restric-

tion may continue to be imposed on the aircraft at each landing place until it arrives at a sanitary aerodrome, where it will be subject to the measures laid down in this chapter.

ARTICLE 25

The commander of the aircraft is required, on landing, to place himself at the disposal of the sanitary authority, to answer all requests for information affecting public health which are made to him by the competent service, and to produce the aircraft's papers for examination.

Should an aircraft, on entering a territory, land elsewhere than on a sanitary or authorized aerodrome, the commander of the aircraft shall, if the aircraft comes from an infected local area or is itself infected, notify the nearest local authority to this effect, and the latter shall take such measures as are appropriate to the circumstances, being guided by the general principles on which the present convention is based, and shall, if possible, direct the aircraft to a sanitary aerodrome. No cargo shall be unloaded and no passenger or member of the crew may leave the vicinity of the aircraft without the permission of the competent sanitary authority.

ARTICLE 26

In the application of the present convention, surveillance may not be replaced by observation except—

(a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or

(b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or

(c) if the person who would be subject to surveillance does not furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary.

A. Plague

ARTICLE 27

If there has not been a case of plague on board, the only measures which may be prescribed are—

1. Medical inspection of passengers and crew;

2. Deratization and disinsectization, if in exceptional cases these operations are considered necessary, and if they have not been carried out at the aerodrome of departure;

3. The crew and passengers may be subjected to surveillance, not exceeding 6 days from the date on which the aircraft left the infected local area.

ARTICLE 28

If there is on board a recognized or suspected case of plague, the following measures are applicable:

1. Medical inspection;
2. The sick shall be immediately disembarked and isolated;
3. All persons who have been in contact with the sick and those whom the sanitary authority has reasons to consider suspect shall be subject to surveillance for a period not exceeding 6 days from the date of arrival of the aircraft;
4. Personal effects, linen, and any other articles which, in the opinion of the sanitary authority, are infected shall be disinfected and, if necessary, disinfected;
5. Any parts of the aircraft which are suspected of being infected shall be disinfected;
6. The sanitary authority may carry out deratization, in exceptional cases, if there is any reason to suspect the presence of rats on board and if the operation was not carried out on departure.

ARTICLE 29

If the sanitary authority considers that merchandise coming from an area infected with plague may harbor rats or fleas, such merchandise shall not be discharged except with the necessary precautions.

B. Cholera

ARTICLE 30

If there has not been a case of cholera on board, the only measures which may be prescribed are—

1. Medical inspection of passengers and crew;
2. Surveillance of passengers and crew for a period not exceeding 5 days from the date on which the aircraft left the infected local area.

ARTICLE 31

If a case of disease presenting clinical signs of cholera appears on board during the voyage, the aircraft shall be subject, at places of call or on arrival, to the following procedure:

1. Medical inspection;
2. The sick shall be immediately disembarked and isolated;
3. The crew and passengers shall be kept under surveillance for a period not exceeding 5 days from the date of arrival of the aircraft;
4. Personal effects, linen, and all other articles which, in the opinion of the sanitary authority, are infected shall be disinfected;

5. The parts of the aircraft which have been occupied by the sick or which are regarded as liable to have been infected shall be disinfected;

6. When the drinking water on board is considered suspect, it shall be disinfected and, if practicable, emptied out and replaced, after the disinfection of the container, by wholesome water.

In countries in which investigation for detection of carriers of the cholera vibrio is prescribed for the inhabitants, persons arriving by aircraft who wish to remain in the country shall submit to the obligations imposed on the inhabitants under the same circumstances.

ARTICLE 32

Persons producing proof that they have been vaccinated against cholera within less than 6 months and more than 6 days may be subjected to surveillance only.

Proof shall consist of a written certificate signed by a doctor whose signature shall be officially authenticated; or, failing such authentication, the certificate shall be countersigned by either (a) the medical officer attached to a sanitary aerodrome, or (b) a person, other than the person performing the vaccination, who is authorized to witness an application for a passport under the regulations of the country.

ARTICLE 33

The unloading from aircraft of the following fresh foods may be prohibited: Fish, shellfish, fruit, and vegetables coming from a local area infected with cholera.

C. Exanthematous Typhus

ARTICLE 34

(a). If there has not been a case of typhus on board, no sanitary measure may be carried out save those prescribed in article 52 of the present convention, for persons who have within 12 days left a local area where exanthematous typhus is epidemic.

(b). The following measures are applicable if there is a case of exanthematous typhus on board:

1. Medical inspection;
2. The sick shall be immediately disembarked, isolated, and deloused;
3. Any person suspected of harboring lice or having been exposed to infection shall also be deloused and may be subjected to surveillance for a period not exceeding 12 days, reckoned from the date of delousing;
4. Linen, personal effects, and other articles which the sanitary authority considers to be infected shall be disinfected;
5. The parts of the aircraft which have been occupied by persons suffering from typhus and which the sanitary authority considers to be infected shall be disinfected.

D. Smallpox

ARTICLE 35

(a). If there has not been a case of smallpox on board, no sanitary measure may be carried out save in the case of persons who have within 14 days left a local area where smallpox is epidemic and who, in the opinion of the sanitary authority, are not sufficiently immunized. Such persons may be subjected, without prejudice to the terms of article 52, to vaccination, or to surveillance, or to vaccination followed by surveillance, the period of which shall not exceed 14 days from the date of arrival of the aircraft.

(b). The following measures are applicable if there is a case of smallpox on board:

1. Medical inspection;
2. The sick shall be immediately disembarked and isolated;
3. Other persons who there is reason to believe have been exposed to infection and who, in the opinion of the sanitary authority, are not sufficiently immunized, may be subjected to the measures provided in paragraph (a) of this article;
4. Linen, personal effects, and other articles which the sanitary authority considers to have been recently infected shall be disinfected;
5. The parts of the aircraft which have been occupied by persons suffering from smallpox and which the sanitary authority considers to be infected shall be disinfected.

For the purposes of this article, persons shall be considered immune (a) if they can produce proof of a previous attack of smallpox or if they have been vaccinated within less than 3 years and more than 12 days, or (b) if they show local signs of early reaction attesting an adequate immunity. Apart from cases where these signs are present, proof shall be afforded by a written certificate of a doctor, authenticated in the manner prescribed in the second paragraph of article 32.

CHAPTER II

MEASURES APPLICABLE IN CASE OF YELLOW FEVER

SECTION I

General Provisions

ARTICLE 36

In territories where endemicity of yellow fever is suspected, the High Contracting Parties shall take the necessary steps to ascertain whether yellow fever exists in their territory in a form which, though not clinically recognizable, might be revealed by biological examination.

ARTICLE 37

Independently of the notification of the cases of and circumstances relating to recognized cases of yellow fever, as laid down in articles 1, 2, 3, 4, 5, and 8 of the International Sanitary Convention of June 21, 1926, each High Contracting Party undertakes to notify immediately to the other High Contracting Parties and at the same time to the Office International d'Hygiène Publique (either directly or indirectly through the regional bureaus with which it has made agreements for this purpose) the discovery in its territory of the actual existence of yellow fever in the above-mentioned form.

SECTION II

*Provisions Concerning Regions in Which Yellow Fever Is Discovered
or Exists in the Endemic Form*

ARTICLE 38

Notwithstanding article 4 of the present convention and subject to the terms of article 46 hereafter, every aerodrome which receives aircraft to which article 1, I, second paragraph, applies and which is situated in a region, that is to say, a part of a territory, in which yellow fever exists in a form clinically or biologically recognizable, shall become a sanitary aerodrome as defined in the present convention and, in addition, shall be—

- (a) situated at an adequate distance from the nearest inhabited center;
- (b) provided with arrangements for a water supply completely protected against mosquitoes, and kept as free as possible from mosquitoes by systematic measures for the suppression of breeding places and the destruction of the insects in all stages of development;
- (c) provided with mosquito-proofed dwellings for the crews of the aircraft and for the staff of the aerodrome;
- (d) provided with a mosquito-proofed dwelling in which passengers can be accommodated or hospitalized when it is necessary to apply the measures specified in articles 42 and 44 below.

ARTICLE 39

If, in the region where yellow fever has occurred or exists in an endemic form, there is not already an aerodrome fulfilling the conditions specified in the preceding article, all aerial navigation from this region to any other territory shall be suspended until such an aerodrome has been established.

ARTICLE 40

Every aerodrome established and equipped in accordance with the provisions of article 38 above shall be called an "anti-amaril" aerodrome and shall be deemed to be a separate local area. The creation of such an aerodrome

shall be notified, by the High Contracting Party in whose territory it is situated, to the other High Contracting Parties and either to the Office International d'Hygiène Publique or to the International Commission for Air Navigation, under the conditions laid down in article 7. Consequent on this notification, the declaration of the presence of yellow fever in an adjacent town or village or in another local area shall not apply to the aerodrome, and the aerodrome shall not be declared infected unless yellow fever occurs among the persons residing therein.

ARTICLE 41

If an anti-amaril aerodrome becomes an infected local area, aerial navigation from that aerodrome to any other territory shall be discontinued until all measures have been taken to free it from infection and all risk of the spread of the yellow fever has ceased.

ARTICLE 42

Where the anti-amaril aerodrome is not infected, but yellow fever exists in the region, the following measures shall be taken on the departure, or, in any event, as late as possible before the departure, of an aircraft:

1. Inspection of the aircraft and cargo to insure that they do not contain mosquitoes and, if necessary, disinsectization. A record of this inspection and any action taken shall be entered in the journey logbook;

2. Medical inspection of passengers and crew; those who are suspected to be suffering from yellow fever or in whose case it has been duly established that they have been exposed to the infection of yellow fever shall be required to remain under observation either within the precincts of the aerodrome or elsewhere, under conditions approved by the sanitary authority, until 6 days have elapsed since the last day on which they were exposed to infection;

3. The names of the passengers and crew shall be entered in the journey logbook, together with the relevant information with regard to their exposure to infection and the period and conditions of observation which they have undergone prior to departure.

ARTICLE 43

Aircraft in transit, not coming from a region in which yellow fever exists and landing for the purpose of taking in supplies in an anti-amaril aerodrome, shall be exempt from the prescribed sanitary measures on leaving that aerodrome. In the further course of the voyage they shall not be subject to the provisions of this chapter, provided that the fact that they have called at an anti-amaril aerodrome for the sole purpose of taking in supplies is entered in the journey logbook.

ARTICLE 44

Aircraft to which article 1, I, second paragraph, of the present convention applies, flying between two regions where yellow fever exists, must depart from and land at an anti-amaril aerodrome in these regions. Passengers, crew, and cargo shall not be disembarked or embarked except at an anti-amaril aerodrome.

During the voyage between these aerodromes, aircraft may land for the purpose of taking in supplies in any aerodrome not situated within a region where yellow fever exists.

The measures to be taken on arrival at the anti-amaril aerodrome are the following:

1. Inspection of the aircraft and cargo to insure that they do not contain mosquitoes and, if necessary, disinsectization;
2. Medical examination of passengers and crew to ascertain that they are free from symptoms of yellow fever.

If a person is suspected to be suffering from yellow fever, or if it has not been established to the satisfaction of the sanitary authority of the aerodrome of arrival that a person has completed a period of 6 days since possible exposure to infection, he may be subjected to observation, either within the precincts of the aerodrome or elsewhere, under conditions approved by the sanitary authority, for a period not exceeding 6 days, reckoned from the last day on which that person could have been infected.

ARTICLE 45

Aircraft having departed from an anti-amaril aerodrome in a region where yellow fever exists and arriving at a region where yellow fever does not exist shall be subject to the provisions of sections III and IV below.

ARTICLE 46

For the purposes of local aerial navigation, nothing in this section shall be deemed to prevent the governments of neighboring territories in which yellow fever is found or exists endemically from establishing or employing, by mutual agreement, aerodromes which are not anti-amaril aerodromes, for the needs of aerial navigation exclusively between these territories.

SECTION III

Provisions in Respect of Territories or Regions in Which Yellow Fever Does Not Exist, but in Which There May Be Conditions Which Permit of Its Development

ARTICLE 47

In territories or regions where yellow fever does not exist, but where there may be conditions which permit of its development, the measures which may

be taken on the arrival of an aircraft at a sanitary aerodrome are the following:

1. Inspection of aircraft and cargo to insure that they do not contain mosquitoes and, if necessary, disinsectization;

2. Medical examination of passengers and crew to ascertain that they are free from symptoms of yellow fever.

If a person is suspected to be suffering from yellow fever, or if it has not been established, to the satisfaction of the sanitary authority of the aerodrome, that a person has completed a period of 6 days since possible exposure to infection, he may be subjected to observation either within the precincts of the aerodrome or elsewhere, under conditions approved by the sanitary authority, for a period not exceeding 6 days, reckoned from the last day on which that person could have been infected.

ARTICLE 48

The High Contracting Parties undertake, save in exceptional circumstances which will require to be justified, not to invoke sanitary reasons for prohibiting the landing in the territories referred to in article 47 of aircraft coming from regions where yellow fever exists, provided that the provisions of section II of this chapter, particularly those concerning the measures to be taken on departure, are observed there.

ARTICLE 49

Nevertheless, the High Contracting Parties may designate particular sanitary aerodromes as those at which aircraft from territories where yellow fever exists shall land for the purpose of disembarking passengers, crew, or cargo.

SECTION IV

Provisions in Respect of Territories or Regions Where the Conditions Do Not Permit of the Development of Yellow Fever

ARTICLE 50

In territories or regions where the conditions do not permit of the development of yellow fever, aircraft coming from regions where yellow fever exists may land on any sanitary or authorized aerodrome.

ARTICLE 51

The measures to be taken on arrival are the following:

1. Inspection of the aircraft and cargo to insure that they do not contain mosquitoes and, if necessary, disinsectization;

2. Medical inspection of passengers and crew.

CHAPTER III

GENERAL PROVISIONS

ARTICLE 52

Persons who arrive in aircraft in the territory of any High Contracting Party, and who have been exposed to risk of infection by one of the diseases referred to in article 18 of the present convention and who are within the period of incubation, may, subject to the provisions of chapter II of this part, be subjected to surveillance until the termination of that period.

In the case of cholera and smallpox, the provisions of articles 32 and 35, relating to immunized persons, equally apply to action under this article.

ARTICLE 53

Persons who, on their arrival at an aerodrome, are considered, under the terms of this part, liable to surveillance up to the expiration of the period of incubation of the disease, may nevertheless continue the voyage, on condition that the fact is notified to the authorities of subsequent landing places and of the place of arrival, either by means of an entry in the journey log-book as prescribed in article 9 of the present convention, or by some other method sufficient to secure that they can be subjected to medical inspection in any subsequent aerodromes on the route.

Persons who are liable to observation under the terms of articles 26, 44 (fourth paragraph), and 47 (second paragraph) of this convention, shall not be authorized until the expiration of the period of incubation to continue their voyage except, in the case of diseases other than yellow fever, with the approval of the sanitary authorities of the place of their destination.

ARTICLE 54

In applying sanitary measures to an aircraft coming from an infected local area, the sanitary authority of each aerodrome shall, to the greatest possible extent, take into account all measures which have already been applied on the aircraft, in another sanitary aerodrome abroad or in the same country, and which are duly noted in the journey logbook referred to in article 9 of the present convention.

Aircraft coming from an infected local area which have already been subjected to satisfactory sanitary measures shall not be subjected to these measures a second time on arrival at another aerodrome, whether the latter belongs to the same country or not, provided that no subsequent incident has occurred which calls for the application of the sanitary measures in question and that the aircraft has not called at an infected aerodrome except to take in fuel.

ARTICLE 55

The aerodrome authority applying sanitary measures shall, whenever requested, furnish free of charge to the commander of the aircraft or any other interested person a certificate specifying the nature of the measures, the methods employed, the parts of the aircraft treated, and the reason why the measures have been applied.

The authority shall also issue, on demand and without charge, to passengers arriving by an aircraft in which a case of one of the infectious diseases referred to in article 18 has occurred, a certificate showing the date of their arrival and the measures to which they and their luggage have been subjected.

ARTICLE 56

Save as expressly provided in the present convention, aircraft shall not be detained for sanitary reasons.

If an aircraft has been occupied by a person suffering from plague, cholera, yellow fever, exanthematous typhus, or smallpox, its detention shall be limited to the period strictly necessary for it to undergo the prophylactic measures applicable to the aircraft in the case of each disease referred to in the present convention.

ARTICLE 57

Subject to the provisions of chapter II of the present convention and particularly those of article 47, any aircraft which does not wish to submit to the measures prescribed by the aerodrome authority, in virtue of the provisions of the present convention, is at liberty to continue its voyage. It may not, however, land in another aerodrome of the same country, except for purposes of taking in supplies.

An aircraft shall be permitted to land goods on condition that it is isolated and that the goods are subjected, if necessary, to the measures laid down in article 10 of the present convention.

Aircraft shall also be permitted to disembark passengers at their request, on the condition that such passengers submit to the measures prescribed by the sanitary authority.

Aircraft may also take in fuel, replacements, food, and water while remaining in isolation.

PART IV

FINAL PROVISIONS

ARTICLE 58

Any two or more High Contracting Parties have the right to conclude between themselves, on the basis of the principles of the present convention,

special agreements relating to particular points concerning aerial sanitary measures, notably as regards the application within their territories of chapter II of part III.

These agreements, as well as those referred to in article 46, shall be notified, as soon as they come into force, either to the Office International d'Hygiène Publique, or to the International Commission for Air Navigation, under the conditions laid down in article 7.

ARTICLE 59

The High Contracting Parties agree to seek the opinion of the Permanent Committee of the Office International d'Hygiène Publique, before having recourse to any other procedure, should any disagreement arise between them as to the interpretation of the present convention.

ARTICLE 60

Without prejudice to the provisions of the last paragraph of article 12, the High Contracting Parties undertake to apply the same tariff of charges to the aircraft of other High Contracting Parties as they apply to their own national aircraft for sanitary operations in their aerodromes.

This tariff shall be as moderate as possible and shall be notified either to the Office International d'Hygiène Publique or to the International Commission for Air Navigation, under the conditions laid down in article 7.

ARTICLE 61⁷

Any High Contracting Party which desires to introduce modifications in the present convention shall communicate its proposals to the Government of the Netherlands. The latter will inform the Office International d'Hygiène Publique, which, if it thinks fit, will prepare a protocol amending the convention and will transmit it to the Government of the Netherlands.

The Government of the Netherlands will submit, by dated circular letter, the text of the said protocol to the governments of the other High Contracting Parties, asking them if they accept the proposed modifications. The accession of a High Contracting Party to these modifications will result either from explicit approval given to the Government of the Netherlands or from the fact that it refrains from notifying the latter of any objections within 12 months from the date of the circular letter above referred to.

When the number of expressed or tacit accessions represents at least two-thirds of the governments of the High Contracting Parties, the Government of the Netherlands will certify the fact by means of a procès-verbal which it will communicate to the Office International d'Hygiène Publique and to the governments of all the High Contracting Parties. The protocol will enter into

⁷ For U.S. reservations, see p. 110.

force between the High Contracting Parties mentioned in the said procès-verbal, after a period of 6 months from the date of the procès-verbal. The present convention will continue to be applied without modification by the other High Contracting Parties until such time as they shall have acceded to the protocol.

ARTICLE 62

The present convention shall bear today's date and may be signed within 1 year from this date.

ARTICLE 63

The present convention shall be ratified and the ratifications shall be deposited with the Government of the Netherlands as soon as possible.

As soon as 10 ratifications have been deposited, the Government of the Netherlands will draw up a procès-verbal and transmit copies of the procès-verbal to the governments of the High Contracting Parties and to the Office International d'Hygiène Publique. This convention shall come into force on the one hundred and twentieth day after the date of the said procès-verbal.

Each subsequent deposit of ratification will be notified by a procès-verbal prepared and communicated according to the procedure indicated above. This convention shall come into force in regard to each of the High Contracting Parties on the one hundred and twentieth day following the date of the procès-verbal attesting the deposit of its ratification.

ARTICLE 64

Countries which have not signed the present convention shall be allowed to accede to it at any time after the date of the procès-verbal recording the deposit of the first 10 ratifications.

Each accession shall be effected by a notification through the diplomatic channel addressed to the Government of the Netherlands. The latter will deposit the document of accession in its archives and will forthwith inform the governments of all the countries participating in the convention, as well as the Office International d'Hygiène Publique, informing them at the same time of the date of the deposit of the accession. Each accession shall come into force on the one hundred and twentieth day from that date.

ARTICLE 65

Any High Contracting Party may declare, at the time of its signature, ratification, or accession, that its acceptance of this convention does not bind any or all of its colonies, protectorates, territories beyond the sea, or territories under its suzerainty or mandate. In that event the present convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Government of the Netherlands at any subsequent date that it desires that the present convention

shall apply to any or all of its territories which have been made the subject of a declaration under the preceding paragraph. In that case, the convention shall apply to all the territories named in such notice on the one hundred and twentieth day from the date of the deposit of the notification in the archives of the Government of the Netherlands.

Any High Contracting Party may likewise declare, at any time after the expiration of the period mentioned in article 66, that it desires that the present convention shall cease to apply to any or all of its colonies, protectorates, territories beyond the sea, or territories under its suzerainty or mandate. The convention shall in that case cease to apply to the territories named in such declaration 1 year after the date of deposit of this declaration in the archives of the Government of the Netherlands.

The Government of the Netherlands will inform the governments of all countries participating in the present convention, as well as the Office International d'Hygiène Publique, of the notifications and declarations made in pursuance of the above provisions, informing them at the same time of the date of their deposit in its archives.

ARTICLE 66

The government of each country participating in the present convention may, at any time after the convention has been in force for that country for 5 years, denounce it by notification in writing addressed to the Government of the Netherlands through the diplomatic channel. The latter will deposit the act of denunciation in its archives; it will forthwith inform the governments of all the countries participating in the convention, as well as the Office International d'Hygiène Publique, and will at the same time notify them of the date of such deposit; each denunciation will come into force 1 year after that date.

ARTICLE 67

The signature of the present convention shall not be accompanied by any reservation which has not previously been approved by the High Contracting Parties who are already signatories. Moreover, ratifications or accessions cannot be accepted if they are accompanied by reservations which have not previously been approved by all the countries participating in the convention.

In virtue of which the respective plenipotentiaries have signed the present convention.

Done at The Hague, April 12, 1933, in a single original copy, which shall remain deposited in the archives of the Government of the Netherlands and of which certified true copies shall be sent through diplomatic channels to each of the High Contracting Parties.

For the Union of South Africa:

A. J. BOSMAN

For Germany:

JULIUS GRAF VON ZECH-BURKERSRODA

For the United States of America:

(1) With reference to article 61 no amendments to the convention will be binding on the Government of the United States of America or territory subject to its jurisdiction unless such amendments be accepted by the Government of the United States of America.

(2) The Government of the United States of America reserves the right to decide whether, from the standpoint of the measures to be applied, a foreign district is to be considered as infected, and to decide what requirements shall be applied under special circumstances to aircraft and personnel arriving at an aerodrome in the United States of America or territory subject to its jurisdiction.

GRENVILLE T. EMMET

For Australia:

In signing the present convention in respect of the Commonwealth of Australia I declare that my signature is subject to the following reservation:

"His Majesty's Government in the Commonwealth of Australia reserve the right to accept only those certificates which are signed by a recognized official of the Public Health Service of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate, if the circumstances appear to be such that certificates delivered under the conditions laid down in article 32 of the convention do not provide all the necessary guarantees."

In accordance with the provisions of article 65, I further declare that the acceptance of the convention does not bind the territories of Papua and Norfolk Island or the Mandated Territories of New Guinea and Nauru.

HUBERT MONTGOMERY

For Austria:

GEORG ALEXICH

For Belgium:

CH. MASKENS

For Egypt:

HAFEZ AFIFI

For Spain:

J. GÓMEZ OCERIN

For France:

VITROLLES

For Morocco:

VITROLLES

For Tunisia:

VITROLLES

For Syria:

VITROLLES

For the Lebanon:

VITROLLES

For Great Britain and Northern Ireland, as well as all parts of the British Empire not separate members of the League of Nations:

In accordance with the provisions of paragraph 1 of article 65 of the convention I hereby declare that my signature does not include Newfoundland or any British colony or protectorate or any mandated territory in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom.⁸

ODO RUSSELL

⁸ By virtue of a notification given to the Netherlands Government by the British Government on Apr. 3, 1935, in accordance with the second paragraph of art. 65 of the convention, the convention was applied, from Aug. 1, 1935, to the Bahamas; Barbados; Bermuda; British Guiana; British Honduras; Cyprus; Falkland Islands and Dependencies; Gold Coast: (a) Colony, (b) Ashanti, (c) Northern Territories, (d) Togoland under British mandate; Hong Kong; Kenya (Colony and Protectorate); Leeward Islands: Antigua, Dominica, Montserrat, St. Christopher and Nevis, Virgin Islands; Malay States: (a) Federated Malay States: Negri Sembilan, Pahang, Perak, Selangor; (b) Unfederated Malay States: Johore, Kedah, Kelantan, Trengganu and Brunei; Mauritius; Nigeria: (a) Colony, (b) Protectorate, (c) Cameroons under British mandate; State of North Borneo; Nyasaland Protectorate; Palestine (excluding Trans-Jordan); Sarawak; Sierra Leone (Colony and Protectorate); Southern Rhodesia; Straits Settlements; Tanganyika Territory; Trans-Jordan; Uganda Protectorate; Zanzibar Protectorate.

For Greece:

TRANTAFYLLAKOS

For the Irish Free State:

O'KELLY DE GALLAGH

For Italy:

FRANCESCO MARIA TALIANI

For Monaco:

HENRI E. REY

For New Zealand:

ODO RUSSELL

For the Netherlands, excepting Netherlands India, Surinam, and Curaçao:

BEELAERTS VAN BLOKLAND

For Poland:

W. BABINSKI

For Rumania:

GR. BILCIURESCO

For Sweden:

ADLERCREUTZ

TARIFF TRUCE

*Resolution adopted at London May 12, 1933, by the Organizing Committee of the Monetary and Economic Conference*¹

Entered into force May 12, 1933

1933 For. Rel. (I) 605

The Governments of Germany, Belgium, United States of America, the United Kingdom of Great Britain and Northern Ireland, France, Italy, Japan, and Norway, represented on the Organizing Committee for the Monetary and Economic Conference, convinced that it is essential for the successful conclusion of the Conference that the measures of all kinds which at the present time misdirect and paralyze international trade be not intensified pending an opportunity for the Conference to deal effectively with the problems created thereby, recognize the urgency of adopting at the beginning of the Conference a tariff truce, the provisions of which shall be laid down by common agreement.

The said Governments, being further convinced that immediate action is of greater importance, themselves agree, and strongly urge all other Governments participating in the Conference to agree, that they will not before the 12th of June nor during the proceedings of the Conference, adopt any new initiatives which might increase the many varieties of difficulties now arresting international commerce, subject to the proviso that they retain the right to withdraw from this agreement at any time after July 31, 1933, on giving one month's previous notice to the Conference.

One of the main motives which brings the Governments together in Conference is to surmount the obstacles to international trade above referred to; the said Governments therefore urge all other Governments represented at the Conference to act in conformity with the spirit of this objective.²

¹ The Monetary and Economic Conference met at London June 12–July 27, 1933.

² NOTE. It is understood that action taken in accordance with the considerations set out in Part I.B. Sub-Section 2, of the Draft Annotated Agenda submitted by the Preparatory Commission of Experts (C.48.M.18.1933) would not be in conflict with this Resolution. [Footnote in original.]

SILVER

Memorandum of heads of agreement signed at London July 22, 1933; supplementary undertakings signed at London July 24 and July 26, 1933

Proclamation on coinage of silver signed by the President of the United States December 21, 1933,¹ and accepted as instrument of ratification²

*Entered into force April 24, 1934; effective from January 1, 1934
Expired January 1, 1938*

48 Stat. 1879; Executive Agreement Series 63

SILVER AGREEMENT

Memorandum of Heads of Agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru as principal producers of silver, at the Monetary and Economic Conference held in London, July, 1933.

Whereas, at a meeting of the Sub-Commission II (Permanent Measures) of the Monetary and Financial Commission of the Monetary and Economic Conference held on Thursday, July 20th, 1933, the following Resolution was unanimously adopted.

"Be it resolved to recommend to all the Governments parties to this Conference:

"(a) That an agreement be sought between the chief silver producing countries and those countries which are the largest holders or users of silver with a view to mitigating fluctuations in the price of silver; and that the other nations not parties to this agreement should refrain from measures which could appreciably affect the silver market;

"(b) That the Governments parties to this Conference shall refrain from new legislative measures which would involve further debasement of their silver coinage below a fineness of 800/1000;

"(c) That they shall substitute silver coins for low value paper currency insofar as the budgetary and local conditions of each country will permit;

"(d) That all of the provisions of this Resolution are subject to the following exceptions and limitations:

¹ 48 Stat. 1723.

² See art. 8.

"The requirements of such provisions shall lapse on April 1st, 1934, if the agreement recommended in paragraph (a) does not come into force by that date, and in no case shall extend beyond January 1st, 1938;

"Governments may take any action relative to their silver coinage that they may deem necessary to prevent the flight or destruction of their silver coinage by reason of a rise in the bullion price of the silver content of their coin above the nominal or parity value of such silver coin," and,

Whereas, the Governments of India and Spain may desire to sell certain portions of their silver holdings, and it will be to their advantage that the countries which are large producers of silver should absorb silver as herein provided, to offset such sales, and,

Whereas, it is to the advantage of the large producing countries named in Article 2 that the sales of silver from monetary stocks be limited as herein provided, and

Whereas, it is to the advantage of China that sales from monetary stocks of silver be offset by purchases as herein provided, with a view to its effective stabilisation;

Now, therefore, it is agreed between the parties hereto:

1. (a) That the Government of India shall not dispose by sale of more than one hundred and forty million fine ounces of silver during a period of four years, commencing with January 1st, 1934. The disposals during each calendar year of the said four year period shall be based on an average of thirty five million fine ounces per year, it being understood, however, that, if in any year, the Government of India shall not dispose of thirty five million fine ounces, the difference between the amount actually disposed of and thirty five million fine ounces may be added as additional disposals in subsequent years. Provided further that the maximum amount disposed of in any year shall be limited to fifty million fine ounces.

(b) Notwithstanding anything previously stated in this Article, it is understood that if the Government of India should after the date of this agreement sell silver to any Government for the purpose of transfer to the United States Government in payment of war debts such silver shall be excluded from the scope of this agreement;

(c) Provided, however, that when the total of the disposals referred to in paragraph (a) above plus the sales referred to in paragraph (b) above by the Government of India under this agreement shall amount to one hundred and seventy five million fine ounces, the obligation of the parties hereto shall cease.

2. That the Governments of Australia, Canada, the United States, Mexico and Peru, during the existence of this agreement, shall not sell any silver, and shall also in the aggregate purchase, or otherwise arrange for withdrawing from the market, thirty five million fine ounces of silver from the mine production of such countries in each calendar year for a period of four years commencing with the calendar year 1934. The said Governments undertake to

settle by agreement the share in the said thirty five million fine ounces which each of them shall purchase or cause to be withdrawn.

3. That the silver purchased or withdrawn in accordance with Article 2 above shall be used for currency purposes (either for coinage or for currency reserves), or be otherwise retained from sale during said period of four years.

4. That the Government of China shall not sell silver resulting from demonetised coins for a period of four calendar years commencing January 1st, 1934.

5. That the Government of Spain shall not dispose by sale of more than twenty million fine ounces of silver during a period of four years commencing January 1st, 1934. The disposals during each calendar year of the said four year period shall be based on an average of five million fine ounces per year; it being understood, however, that if in any year the Government of Spain shall not dispose of five million fine ounces, the difference between the amount actually disposed of and five million fine ounces may be added as additional disposals in subsequent years; provided further that the maximum amount disposed of in any year shall be limited to seven million fine ounces.

6. That the Governments concerned will exchange all such information as may be necessary with regard to the measures to fulfill the provisions of this memorandum of agreement.

7. That it is understood, that subject to the provisions of Article 8, the undertakings of each party to the present memorandum of agreement are conditional upon the fulfilment of the undertakings of every other party thereto.

8. That this memorandum of agreement is subject to ratification by the Governments concerned. The instruments of ratification shall be deposited not later than the 1st April, 1934,³ with the Government of the United States. It shall come into force as soon as the ratifications of all the Governments concerned are received provided that all the ratifications are received before the 1st April, 1934. A notice by any Government that the affirmative action necessary to carry out the purposes of this agreement has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the Governments enumerated in Article 2 fail to ratify by the 1st April, 1934, the agreement shall come into force at that date if the other Governments mentioned in Article 2 which have ratified notify the other Governments which ratify that they are prepared to purchase, or cause to be withdrawn, in the aggregate the amount of silver mentioned in Article 2. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

In witness whereof the undersigned have signed the present memorandum of agreement.

³ Extended to May 1, 1934, by agreement of all the signatories.

Done at London this 22nd day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

S. M. BRUCE
Delegate of Australia

EDGAR N. RHODES
Delegate of Canada

W. W. YEN
Delegate of China

KEY PITTMAN
*Delegate of United States of
America*

GEORGE SCHUSTER
Delegate of India

EDUARDO SUÁREZ
Delegate of Mexico

F. TUDELA
Delegate of Peru

L. NICOLAU D'OLWER
Delegate of Spain

SUPPLEMENTARY UNDERTAKINGS

United States of America

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of the United States shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, twenty-four million, four hundred and twenty-one thousand, four hundred and ten, fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, Canada, Mexico and Peru whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, Canada, Mexico, and Peru, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (c) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of the United States whose delegate has executed this

agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934.⁴ A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

In witness whereof, the undersigned have signed this memorandum of agreement.

Done at London this 26th day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

KEY PITTMAN

Delegate of the United States

Australia

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Australia shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, six hundred and fifty-two thousand, three hundred and fifty-five fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Canada, the United States, Mexico and Peru whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Canada, the United States, Mexico and Peru, are subject to the following general provisions:

⁴ See footnote 3, p. 115.

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (c) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Australia whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934.⁴ A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

In witness whereof, the undersigned have signed this memorandum of agreement.

Done at London this 26th day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

S. M. BRUCE

Delegate of Australia

Canada

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Canada shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, one million, six hundred and seventy-one thousand, eight hundred and two fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, United States, Mexico, and Peru, whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, the United States, Mexico, and Peru are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (c) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Canada whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934.⁴ A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

In witness whereof, the undersigned have signed this memorandum of agreement.

Done at London this twenty fourth day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

EDGAR N. RHODES
Delegate of Canada

Mexico

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Mexico shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, seven million, one hundred and fifty-nine thousand, one hundred and eight fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, Canada, United States and Peru whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, Canada, the United States, and Peru, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.
2. That the absorption of silver referred to in this agreement means current mine production.
3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stock of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (c) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.
4. That this memorandum is subject to ratification by the proper governmental authorities of Mexico whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.
5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934.⁴ A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The

Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

In witness whereof, the undersigned have signed this memorandum of agreement.

Done at London this 24 day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

EDUARDO SUÁREZ
Delegate of Mexico

Peru

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Peru shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, one million, ninety-five thousand, three hundred and twenty-five fine ounces of silver in each calendar year beginning with the calendar year 1934.

2. This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, Canada, United States and Mexico whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, Canada, the United States, and Mexico, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (c) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Peru whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the

ratifications are received before the 1st of April, 1934.⁴ A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

In witness whereof, the undersigned have signed this memorandum of agreement.

Done at London this 24 day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

F. TUDELA
Delegate of Peru

INTERNATIONAL WHEAT AGREEMENT

Final act of the Conference of Wheat Exporting and Importing Countries opened for signature at London August 25, 1933; note of agreement initialed by the overseas wheat exporting countries at London August 30, 1933

Wheat agreement entered into force August 25, 1933

Expired July 31, 1935

Treaty Information Bulletin No. 48,
September 1933, p. 18

The Governments of Germany, Austria, Belgium, Bulgaria, France, the United Kingdom of Great Britain and Northern Ireland, Greece, Hungary, Irish Free State, Italy, Poland, Roumania, Spain, Sweden, Czechoslovakia, Switzerland, The Union of Socialist Soviet Republics, and Yugoslavia, having accepted the invitation extended to them by the Secretary-General of the Monetary and Economic Conference on behalf of the Governments of Argentina, Australia, Canada and the United States of America, to take part in a Conference to consider the measures which might be taken in concert to adjust the supply of wheat to effective world demand and eliminate the abnormal surpluses which have been depressing the wheat market and to bring about a rise and stabilization of prices at a level remunerative to the farmers and fair to the consumers of breadstuffs, have agreed as follows:

ARTICLE 1

The Governments of Argentine, Australia, Canada and the United States of America agree that the exports of wheat from their several countries during the crop year August 1, 1933 to July 31st, 1934 shall be adjusted, taking into consideration the exports of other countries by the acceptance of export maxima fixed on the assumption that world import demand for wheat which will amount during this period to 560,000,000 bushels.

ARTICLE 2

They further agree to limit their exports of wheat during the crop year August 1st, 1934 to July 31st, 1935 to maximum figures 15% less in the case of each country than the average out-turn on the average acreage sown during the period 1931-1933 inclusive after deducting normal domestic requirements.

The difference between the effective world demand for wheat in the crop year 1934-5 and the quantity of new wheat from the 1934 crop available for export will be shared between Canada and the United States of America as a supplementary export allocation with a view to the proportionate reduction of their respective carry-overs.

ARTICLE 3

The Governments of Bulgaria, Hungary, Roumania and Yugoslavia agree that their combined exports of wheat during the crop year August 1st, 1933 to July 31st, 1934 will not exceed fifty million bushels. This undertaking is made on the understanding that the aggregate may be increased to a maximum of fifty four million bushels if the Danubian countries find that such a supplementary quota is required for the movement of the exportable surplus of the 1933 crop.

ARTICLE 4

They further agree that their combined exports of wheat during the crop year 1934-35 will not exceed a total of fifty million bushels and recognise that the acceptance of this export allocation will not allow of any extension of the acreage sown to wheat.

ARTICLE 5

The Government of the Union of Socialist Soviet Republics, while unable to give any undertaking in regard to production of wheat, agree to limit their exports for the crop year 1933-34 to a figure which will be arrived at upon the completion of negotiations with the Governments of the overseas wheat exporting countries. They also agree that the question of their export of wheat during the crop year 1934-35 shall be the subject of further negotiations with the wheat exporting countries represented upon the Advisory Committee.

ARTICLE 6

The Governments of the wheat importing countries in signing this instrument:

I. Agree henceforth not to encourage any extension of the area sown to wheat and not to take any governmental measures, the effect of which would be to increase the domestic production of wheat.

II. Agree to adopt every possible measure to increase the consumption of wheat and are prepared to bring about the progressive removal of measures which tend to lower the quality of breadstuffs and thereby decrease the human consumption of wheat.

III. Agree that a substantial improvement in the price of wheat should have as its consequence a lowering of customs tariffs, and are prepared to begin such adjustment of customs tariffs when the international price of

wheat reaches and maintains for a specified period an average price to be fixed. It is understood that the rate of duty necessary to assure remunerative prices may vary for different countries, but will not be sufficiently high to encourage their farmers to expand wheat acreage.

Appendix A contains the agreed definitions relating to the technical points mentioned in this paragraph.

IV. Agree that in order to restore more normal conditions in world trade in wheat the reduction of customs tariffs would have to be accompanied by modification of the general regime of quantitative restriction of wheat imports and accept in principle the desirability of such a modification. The exporting countries for their part agree that it may not be possible to make substantial progress in these modifications in 1933–34, but the importing countries are prepared to make effective alterations in 1934/35 if world prices have taken a definitely upward turn from the average price of the first 6 months of the calendar year 1933. The objective of these relaxations of the various forms of quantitative restrictions will be to restore a more normal balance between total consumption and imports, and thereby to increase the volume of international trade in wheat. It is understood that this undertaking is consistent with maintaining the home market for domestic wheat grown on an area no greater than at present. It is obvious that fluctuations in the quantity and quality of the wheat harvest resulting from weather conditions may bring about wide variations in the ratio of imports to total consumption from season to season.

The obligations of the importing countries under this agreement are to be interpreted in the light of the following declaration:

It is recognised that measures affecting the area of wheat grown and the degree of protection adopted are primarily dependent upon domestic conditions within each country, and that any change in these measures must often require the sanction of the legislature.

The intention of this agreement is nevertheless that the importing countries will not take advantage of a voluntary reduction of exports on the part of the exporting countries, by developing their domestic policies in such a way as to frustrate the efforts which the exporting countries are making, in the common interest, to restore the price of wheat to a remunerative level.

ARTICLE 7

The countries participating in the Conference agree to set up a Wheat Advisory Committee to watch over the working and application of this Agreement. The functions, organization and financial basis of this Committee are set out in Appendix B.

Done at London, the Twenty-fifth day of August, one thousand nine hundred and thirty-three, in a single copy which shall be deposited in the archives

of the Secretariat of the League of Nations and of which authenticated copies shall be delivered to all Members of the League of Nations and non-member States represented at the Conference of Wheat Exporting and Importing Countries.¹

Germany

E. H. RÜTER

Argentine

T. A. LE BRETON

Australia

S. M. BRUCE

Austria

L. WIMMER

Belgium

C. BASTIN

*Bulgaria*²

P. H. MISCHIEFF

Canada

R. B. BENNETT

M. A. MCPHERSON

Spain

LUIS CALDERÓN

AGUSTIN VELARDE

United States of America

FREDERICK E. MURPHY

France

HALGOUET

Greece

D. CACLAMANOS

Hungary

DE WINCKLER

Irish Free State

JOHN W. DULANTY,
ad referendum.

Italy

G. B. CECCATO

Poland

T. GOEPPERT

Roumania

E. MARIAN

United Kingdom

H. F. CARLILL

Sweden

K. LUNDBERG
ad ref.

Switzerland

ERNEST LAUR

Czechoslovakia

Z. KONEČNÝ
ad ref.

Union of Socialist Soviet Republics

A. GOUREVITCH

Yugoslavia

M. PILJA

APPENDIX A

1. "International price of wheat" as mentioned in Article 6, paragraph III of the draft agreement, shall be understood to mean a duty free gold price c.i.f. on a world market.

This price shall be calculated according to the method followed by the Food Research Institute of Stanford University, California, (explained in Vol. 4 No. 8 of "Wheat Studies"). It is the average price of all parcels of imported wheat of all grades sold during each week in all the ports of Great Britain.

¹ The minutes of the final meeting of the conference contain the following statement:

"The signatures are to be regarded as affixed in the light of the statements made during the discussions by the representatives of the various countries: these statements are contained in the Minutes of the Conference, and are to be interpreted in the sense of paragraph IV of Article 6 of the Final Act."

² By a letter dated Aug. 25, 1933, the delegate of Bulgaria informed the President of the conference that he desired to accompany his signature with the following reservation:

"The Bulgarian Government reserves the right, during the period of two years covered by the Agreement contemplated, to complete the negotiations now pending or which are to be opened, for the conclusion of Treaties of Commerce or of Agreements granting to the Bulgarian Government a privileged treatment for the exportation of wheat with third Countries which have already granted the same privilege to the three other Danubian Countries [translation]."

2. The Secretariat of the Wheat Advisory Committee set up by the Conference shall undertake the regular communication of indices of prices calculated as above to all Governments adhering to the Agreement.

3. The minimum average gold price calculated as indicated above to be maintained for a period of sixteen weeks before it will be necessary for importing countries to adjust their Tariffs shall be 12 gold francs per quintal (63.02 gold cents per bushel).

4. The period referred to in Article 6 paragraph III of the Agreement, during which the average quotation for wheat is to be maintained before it will be necessary for importing countries to adjust their Tariffs shall be sixteen weeks.

5. Each country will decide upon its tariff adjustment in accordance with the principles enunciated in Article 6 paragraph III of the draft agreement, and every considerable and lasting change in wheat prices shall be followed by an adjustment of Tariffs proportionate to such change.

APPENDIX B. *Report of the Sub-Committee on the Constitution of a Wheat Advisory Committee*

A Sub-Committee composed of representatives of Australia, Belgium, France, Germany, Greece, Hungary, Italy, Switzerland, the United Kingdom, and the United States, met on August 22nd to consider whether any and, if so, what organisation should be set up in connection with the prospective Wheat Agreements. Mr. McDougall (Australia) was elected Chairman.

The present Report contains a summary of the views exchanged in the Sub-Committee and the recommendations submitted by it to the Conference regarding the functions, composition and financial basis of the suggested Advisory Wheat Committee.

It is clear that the proposed body can only be temporary in character, as the agreements under which it may be set up are intended to deal with the immediate difficulties of the situation. No question arises of establishing any permanent Committee entrusted with the task of supervising the production of and trade in wheat; it is simply proposed to set up a Committee to watch over the working and application of the agreements which may be arrived at. The Committee would be primarily advisory in character and would provide an opportunity for the representatives of Governments, fortified by the best available information, to review the way in which the several agreements were functioning. It would only take decisions in cases defined in the agreements.

The Committee's duties should be confined to the tasks outlined above, and should not extend to matters connected with the compilation of statistics, except as provided in Appendix A.

With the object of avoiding any overlapping the Advisory Committee should work in close cooperation with the Economic Organisation of the League and the International Institute of Agriculture.

As the work of the proposed Committee would be concerned with business rather than policy it should be small. It was recognised that the chief exporting countries—viz., Argentina, Australia, Canada and the United States—should be separately represented, and that the Danubian Countries should be entitled to a representative, as would the U.S.S.R. It was regarded as essential that importing countries should be represented as well as exporting countries.

It was at first suggested that the importing countries might be represented by two or three members, to be named by the Economic Committee of the League of Nations. But it appeared from the discussion in the Sub-Committee that it would be preferable that the Committee should contain an equal number of representatives of importing and exporting countries. Subject to this it was agreed that the Committee should be given power to enlarge its membership if circumstances appeared to render such a course desirable.

Importing States to be represented might be selected according to one of two methods; either the importing countries participating in the Conference might make their selection while the Conference is still sitting, or the choice might be left to the Economic Committee of the League. It was felt that a decision on this matter should be left to the importing countries.

In any case the members of the Committee should be appointed as representatives of States, and not in their personal capacity.

The Advisory Committee would be authorised, if it considered that circumstances rendered such action necessary, to convene a general meeting of the States parties to the Agreements.

Various suggestions were made regarding the chairmanship of the Advisory Committee. Some members thought that the League of Nations might be requested to ask some person of recognised standing and undoubted impartiality to accept the post of Chairman. Others thought that in view of the exceptional importance to the exporting countries of the wheat question, it might perhaps be desirable that the Chairman should be chosen from among their representatives. It was finally agreed that the appointment of Chairman should be left to the Advisory Committee itself, which might be empowered to elect a Chairman from among its members or, if it appeared practicable and desirable, to select some other person of recognised standing.

The Sub-Committee was anxious to keep expenditure on the lowest possible basis. The staff employed should be small in number and might consist of a highly competent secretary with a technical assistant and a shorthand-typist.

The cost of representation at meetings should be borne by the several Governments represented on the Committee. The Committee itself would only be responsible for cost of the staff, office expenses and the travelling expenses of the staff in so far as that might prove necessary. It was considered that the annual appropriation for the Committee need not exceed a total

of sixty thousand gold francs. The suggested basis of contribution was that each country accepting the Wheat Agreements should contribute four gold francs per 100,000 quintals of the average quantity of wheat produced during a given period, and that the wheat exporting countries should contribute a further eight gold francs per 100,000 quintals of wheat exported in an average year of the given base period.

The suggested basis of contributions towards the maintenance of the Advisory Committee are set out in Appendix A. to this Report.

The seat of the office of the Advisory Committee would be at London, but the Committee would be authorised to meet elsewhere if circumstances rendered it necessary.

ANNEX

BASIS OF CONTRIBUTIONS TO ADVISORY COMMITTEE ³

Country	Production 100,000 quintals Average 1928-29	Levy of 4 gold francs per 100,000 quintals	Net exports 100,000 quintals	Levy of 8 gold francs per 100,000 quintals Average 1928-29, 1931-32	Gold francs, total con- tribution
Canada	1, 098	4, 392	716	5, 728	10, 120
United States of America	2, 379	9, 516	350	2, 700	12, 316
Argentina	655	2, 620	432	3, 456	6, 076
Australia	469	1, 876	321	2, 568	4, 444
Roumania	327	1, 308	38	304	1, 612
Hungary	225	900	61	488	1, 388
Yugoslavia	257	1, 028	35	280	1, 308
Bulgaria	138	552	12	96	648
Poland	197	788	5	40	828
U.S.S.R.	2, 025	8, 100	127	1, 016	9, 116
Lithuania	24	96	.....	.....	(96)
France	902	3, 608	.....	.....	3, 608
Italy	752	3, 008	.....	.....	3, 008
Spain	501	2, 004	.....	.....	2, 004
Germany	500	2, 000	.....	.....	2, 000
Czechoslovakia	146	584	.....	.....	584
Great Britain	121	484	.....	.....	484
Greece	46	184	.....	.....	(184)
Portugal	49	196	.....	.....	(196)
Sweden	74	296	.....	.....	296
Austria	35	140	.....	.....	(140)
Belgium	43	172	.....	.....	(172)
Denmark	30	120	.....	.....	(120)
Baltic States	15	60	.....	.....	(60)
Netherlands	17	68	.....	.....	(68)
Switzerland	11	44	.....	.....	(44)
					60, 920

³ This schedule of contributions was later revised; the five countries or groups of countries which did not sign the agreement (Lithuania, Portugal, Denmark, the Baltic States, and the Netherlands) were removed from the list, and the Irish Free State was added. The importing countries also agreed that the minimum contribution should be 200 gold francs.

NOTE OF AGREEMENT BETWEEN THE OVERSEAS WHEAT EXPORTING COUNTRIES

The world wheat situation has altered to so considerable extent since the discussions between the four oversea exporting countries commenced that it is necessary to restate the position.

The basis of any plan agreed to between the oversea exporting countries is to bring about an adjustment of production so as to allow of the liquidation of existing surplus stocks within a period of two years.

The following data represents the best available indication of the present position:

- (a) World import demand in 1933-34 is assumed to be 750 million bushels, but this figure may vary by 50 million bushels up or down;

- (b) Exports from new crops in 1933-34 are estimated at:

<i>Canada</i>	
Crop from 395 to 400, say.....	400
Domestic requirements.....	117
Exportable surplus.....	283
<i>Argentine</i> —no crop estimate possible, but on estimate of 3-year-average and of yield:	
Crop.....	240,000,000
Domestic requirement.....	90,000,000
Exportable surplus.....	150,000,000
<i>Australia</i> —based as in the case of Argentina—	
Crop.....	192,000,000
Domestic requirement.....	50,000,000
Exportable surplus.....	142,000,000

It is estimated that other exporters will need 75,000,000 bushels. The position in regard to new export wheat may, therefore, be expected to be as follows:

Canada	283 million bushels
Argentina	150 " "
Australia	142 " "
Other exporters	75 " "
	<hr/>
	650 " "

The residual exports after allowing for the marketing of new wheat is therefore estimated at 100 million bushels which may, however, vary upwards or downwards by 50 million bushels according to the variation of the requirements of the importing countries.

The U.S.A. Position

The U.S.A. 1933-34 crop is estimated at from 520 million bushels to 575, say 540, and the U.S.A. domestic requirements at 610, leaving a deficiency

of 70 million bushels. The above estimates allow of the following method of dealing with the 1933-34 situation:

(a) Export quotas are allotted to deal with new wheat

575 million bushels

(b) The U.S.A. surplus stocks are 240 million and Canada at 140 million. The U.S.A. 1933-34 deficiency of 70 will reduce the surplus to 170. To bring about equality between the U.S.A. and Canada in regard to surplus, an initial figure of 30 million bushels should be allotted to the U.S.A.

(c) This leaves a figure of 70 million bushels as a final residual subject to considerable fluctuations up or down. This should be divided equally between U.S.A. and Canada for the absorption of surplus stocks. The method of dealing with reductions in the world import demand will be discussed in the next paragraph. It is felt that any increase in the possibilities of reduction of surplus due to failure of 1933 crops to reach the estimate of 541 million bushels for U.S.A. and 400 million bushels for Canada should be utilized by each country and that no attempt should be made to allot such figures between the two countries. Any increase of the marginal surplus due to increased world import demand should be shared equally between U.S.A. and Canada.

(d) If world import demand were below 750 million bushels, it is suggested that each of the four countries should share the necessary diminution of exports on a basis proportionate to their exports. Thus, if the world imports were 25 million bushels less than in 1933-34, the diminution

Canada	47%	=	a diminution of	11, 700, 000	
Argentina	22%	=	"	"	5, 500, 000
Australia	21%	=	"	"	5, 250, 000
U.S.A.	10%	=	"	"	2, 500, 000

In the event of Australia or the Argentine not being able to fulfill their respective export surpluses in 1933-34 the difference between actual exports and export quota shall be available, upon the advice of the Advisory Committee, firstly, to enable the whole of the new wheat of the 1933-34 crop to be marketed by an increase in the allocation to any country with a larger exportable surplus than provided for in the quota and, secondly, in so far as such difference is not needed to cater for new wheat, to be equally divided between U.S.A. and Canada for the disposal of surplus stocks. If either Australia or the Argentine thus surrenders a part of its export quota, the quantity so surrendered shall be added to the export quota of that country for 1934-35.

During the second year of the scheme the surplus stock position will, on the basis of the foregoing estimates, be a total of 210 million bushels equally divided between U.S.A. and Canada.

Since an essential part of any scheme must be effective cooperation of the

European importing countries, it is felt that even if higher prices cause some diminution of demand in the Far East, yet total world import demand should be taken as 800 million bushels instead of 750 million bushels.

Each of the four countries agree to bring into effect a reduction of production of wheat to the extent of 15%.

The position of each country in 1934-35 is estimated to be as follows:

Australia 15,000,000 acres at 12.8 bushels=192,000,000 bushels less 15%=163.4 bushels less domestic consumption 50,000,000 bushels leaves an export quota of 113,000,000 bushels.

Argentina 20,000,000 acres at 12 bushels per acre=240,000,000 less 15%=214 million bushels, domestic consumption 90 million bushels=export quota 114,000,000.

Canada 26,300,000 acres at 17.24 bushels per acre=453,000,000 less 15%=380,000,000 bushels. Domestic consumption 117 million and export quota of 263.

Other Exporting Countries. 75,000,000 bushels.

The total of the above allocations amounts to:

Australia	113	million bushels
Argentina	114	" "
Canada	263	" "
Other exporters	75	" "
	<hr/>	
	565	" "

U.S.A. is estimated in 1934-35 to have the following position: 62,400,000 acres at 13.1=816 million bushels; less 15%=694. Domestic requirements 610 million bushels, and export quota of 84 million bushels.⁴

The addition of the U.S.A. export figure gives a total export from new 1934-35 crop of 649 million bushels.

With a world import demand of 800 million bushels this leaves a total of 151 million bushels to be divided between U.S.A. and Canada on an equal basis for the reduction of surplus stocks.

The deduction of 151 million bushels from the 204 million bushels surplus total at the end of 1933-34 leaves at the end of 1934-35 a total of 53 million bushels or 26.5 million bushels in each country.

This is the Agreement of 30th June, 1933.

R.B.B.	[R. B. Bennett, Canada]
F.E.M.	[Frederick E. Murphy, United States]
T.A.LeB.	[T. A. LeBreton, Argentina]
F.L.Mc D.	[F. L. McDougall, Australia]

⁴ The figure accepted by the United States was 90 million bushels. [Footnote on advance copy.]

While the foregoing statement represents the basis of agreement between the four great exporting countries, the changes which have taken place in the world wheat situation since June 30th, 1933, render necessary a series of adjustments:

The main changes in the situation are as follows:

1. Owing to highly favourable weather conditions in Europe and to reports of good crops of wheat in the extra European importing countries the world demand is now assumed to be 560,000,000 bushels in place of 750,000,000.

2. The relative failure of crops in North America have resulted in the following changes:

The Canadian crop is now estimated at 300 million bushels which after allowing for domestic requirements leaves an exportable surplus of 183,000,000 bushels. The figure of 75,000,000 bushels allowed to meet the requirements of other exporters has to be amended upwards to 100,000,000 bushels.

The 1933 crop in the U.S.A. is now estimated at 500,000,000 bushels. The estimated surplus stocks in the U.S.A. are now taken as being 261,000,000 instead of 240, while those in Canada are taken as being 179,000,000 in place of 140,000,000.

In order to meet the altered situation the four oversea exporting countries are prepared tentatively to adjust their respective allocations in the following ways.

The U.S.A. will accept an export quota of 45,000,000⁵ bushels being roughly 8½% of the estimated world import demand.

Canada will receive an export allocation of 200,000,000 bushels.

The position in regard to Argentina and Australia is as follows:

These countries have been allotted export quotas for the crop years 1933–34 and 1934–35 of 258,000,000 bushels in the case of Argentina and 255,000,000 bushels in the case of Australia.

Since it is impossible to estimate the actual crops in the Southern Hemisphere for at least two months, and since present reports of crop growth are not wholly favourable in either country, Argentina and Australia are prepared to undertake not to export more than for Argentina 110,000,000 bushels and Australia 105,000,000 bushels of the above export quotas prior to July 31st, 1934.

The Argentine Delegation declared that they subscribed to this agreement on the understanding that the distribution of the surplus export of the harvest of 1933–34 was that already fixed under letter (b) of the Draft approved by the exporting countries during the Economic and Monetary Conference;

⁵ Originally typed at 47,000,000 but altered to 45,000,000 by Bennett on signing. See final paragraph. [Footnote on advance copy.]

but up to the 31st July, 1934, the exports would not exceed 110,000,000 bushels. The balance would be exported during the following months, and, if necessary, would be added to the harvest of 1934-35: which exportable balance is fixed at 108,000,000 bushels until the end of this Agreement.

This note of agreement between the Oversea Exporting Countries is initialled on the understanding that the export quota of the U.S.A. for the crop year 1933-34 is 47,000,000 bushels.

R.B.B.
F.E.M.
T.A.LeB.
F.L.Mc D.

ANTI-WAR TREATY OF NONAGGRESSION AND CONCILIATION (SAAVEDRA LAMAS TREATY)

Treaty signed at Rio de Janeiro October 10, 1933

United States adherence, subject to ratification, April 27, 1934

*Senate advice and consent to adherence, with a reservation, June 15, 1934*¹

*Adherence ratified by the President of the United States, with a reservation, June 27, 1934*¹

Adherence of the United States deposited at Buenos Aires August 10, 1934

*Entered into force November 13, 1935*²

Proclaimed by the President of the United States March 11, 1936

49 Stat. 3363; Treaty Series 906

[TRANSLATION]

ANTI-WAR TREATY OF NONAGGRESSION AND CONCILIATION

The states designated below, in the desire to contribute to the consolidation of peace, and to express their adherence to the efforts made by all civilized nations to promote the spirit of universal harmony;

To the end of condemning wars of aggression and territorial acquisitions that may be obtained by armed conquest, making them impossible and establishing their invalidity through the positive provisions of this treaty, and in order to replace them with pacific solutions based on lofty concepts of justice and equity;

Convinced that one of the most effective means of assuring the moral and material benefits which peace offers to the world, is the organization of a permanent system of conciliation for international disputes, to be applied immediately on the violation of the principles mentioned;

Have decided to put these aims of nonaggression and concord in conventional form by concluding the present treaty, to which end they have appointed the undersigned plenipotentiaries, who, having exhibited their

¹ The U.S. reservation reads as follows:

"In adhering to this Treaty the United States does not thereby waive any rights it may have under other treaties or conventions or under international law."

² Thirty days after deposit of second instrument of ratification.

respective full powers, found to be in good and due form, have agreed upon the following:

ARTICLE I

The high contracting parties solemnly declare that they condemn wars of aggression in their mutual relations or in those with other states, and that the settlement of disputes or controversies of any kind that may arise among them shall be effected only by the pacific means which have the sanction of international law.

ARTICLE II

They declare that as between the high contracting parties territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement which is not obtained by pacific means, nor the validity of the occupation or acquisition of territories that may be brought about by force of arms.

ARTICLE III

In case of noncompliance, by any state engaged in a dispute, with the obligations contained in the foregoing articles, the contracting states undertake to make every effort for the maintenance of peace. To that end they will adopt in their character as neutrals a common and solidary attitude; they will exercise the political, juridical, or economic means authorized by international law; they will bring the influence of public opinion to bear, but will in no case resort to intervention, either diplomatic or armed; subject to the attitude that may be incumbent on them by virtue of other collective treaties to which such states are signatories.

ARTICLE IV

The high contracting parties obligate themselves to submit to the conciliation procedure established by this treaty the disputes specially mentioned and any others that may arise in their reciprocal relations, without further limitations than those enumerated in the following article, in all controversies which it has not been possible to settle by diplomatic means within a reasonable period of time.

ARTICLE V

The high contracting parties and the states which may in the future adhere to this treaty may not formulate, at the time of signature, ratification, or adherence, other limitations to the conciliation procedure than those which are indicated below:

(a) Differences for the solution of which treaties, conventions, pacts, or pacific agreements of any kind whatever may have been concluded, which in no case shall be considered as annulled by this agreement, but supplemented

thereby insofar as they tend to assure peace; as well as the questions or matters settled by previous treaties;

(b) Disputes which the parties prefer to solve by direct settlement or submit by common agreement to an arbitral or judicial solution;

(c) Questions which international law leaves to the exclusive competence of each state, under its constitutional system, for which reason the parties may object to their being submitted to the conciliation procedure before the national or local jurisdiction has decided definitively; except in the case of manifest denial or delay of justice, in which case the conciliation procedure shall be initiated within a year at the latest;

(d) Matters which affect constitutional precepts of the parties to the controversy. In case of doubt, each party shall obtain the reasoned opinion of its respective tribunal or supreme court of justice, if the latter should be invested with such powers.

The high contracting parties may communicate, at any time and in the manner provided for by article XV, an instrument stating that they have abandoned wholly or in part the limitations established by them in the conciliation procedure.

The effect of the limitations formulated by one of the contracting parties shall be that the other parties shall not consider themselves obligated in regard to that party save in the measure of the exceptions established.

ARTICLE VI

In the absence of a permanent conciliation commission or of some other international organization charged with this mission by virtue of previous treaties in effect, the high contracting parties undertake to submit their differences to the examination and investigation of a conciliation commission which shall be formed as follows, unless there is an agreement to the contrary of the parties in each case:

The conciliation commission shall consist of five members. Each party to the controversy shall designate a member, who may be chosen by it from among its own nationals. The three remaining members shall be designated by common agreement by the parties from among the nationals of third powers, who must be of different nationalities, must not have their customary residence in the territory of the interested parties, nor be in the service of any of them. The parties shall choose the president of the conciliation commission from among the said three members.

If they cannot arrive at an agreement with regard to such designations, they may entrust the selection thereof to a third power or to some other existing international organism. If the candidates so designated are rejected by the parties or by any one of them, each party shall present a list of candidates equal in number to that of the members to be selected, and the names of those to sit on the conciliation commission shall be determined by lot.

ARTICLE VII

The tribunals or supreme courts of justice which, in accordance with the domestic legislation of each state, may be competent to interpret, in the last or the sole instance and in matters under their respective jurisdiction, the constitution, treaties, or the general principles of the law of nations, may be designated preferentially by the high contracting parties to discharge the duties entrusted by the present treaty to the conciliation commission. In this case the tribunal or court may function as a whole or may designate some of its members to proceed alone or by forming a mixed commission with members of other courts or tribunals, as may be agreed upon by common accord between the parties to the dispute.

ARTICLE VIII

The conciliation commission shall establish its own rules of procedure, which shall provide in all cases for hearing both sides.

The parties to the controversy may furnish, and the commission may require from them, all the antecedents and information necessary. The parties may have themselves represented by delegates and assisted by advisers or experts, and also present evidence of all kinds.

ARTICLE IX

The labors and deliberations of the conciliation commission shall not be made public except by a decision of its own to that effect, with the assent of the parties.

In the absence of stipulation to the contrary, the decisions of the commission shall be made by a majority vote, but the commission may not pronounce judgment on the substance of the case except in the presence of all its members.

ARTICLE X

It is the duty of the commission to secure the conciliatory settlement of the disputes submitted to its consideration.

After an impartial study of the questions in dispute, it shall set forth in a report the outcome of its work and shall propose to the parties bases of settlement by means of a just and equitable solution.

The report of the commission shall in no case have the character of a final decision or arbitral award either with respect to the exposition or interpretation of the facts, or with regard to the considerations or conclusions of law.

ARTICLE XI

The conciliation commission must present its report within 1 year, counting from its first meeting, unless the parties should decide by common agreement to shorten or extend this period.

The conciliation procedure, having been once begun, may be interrupted only by a direct settlement between the parties or by their subsequent decision to submit the dispute by common accord to arbitration or to international justice.

ARTICLE XII

In communicating its report to the parties, the conciliation commission shall fix for them a period, which shall not exceed 6 months, within which they must decide as to the bases of the settlement it has proposed. On the expiration of this term, the commission shall record in a final act the decision of the parties.

This period having expired without acceptance of the settlement by the parties, or the adoption by common accord of another friendly solution, the parties to the dispute shall regain their freedom of action to proceed as they may see fit within the limitations flowing from articles I and II of this treaty.

ARTICLE XIII

From the initiation of the conciliatory procedure until the expiration of the period fixed by the commission for the parties to make a decision, they must abstain from any measure prejudicial to the execution of the agreement that may be proposed by the commission and, in general, from any act capable of aggravating or prolonging the controversy.

ARTICLE XIV

During the conciliation procedure the members of the commission shall receive honoraria the amount of which shall be established by common agreement by the parties to the controversy. Each of them shall bear its own expenses and a moiety of the joint expenses or honoraria.

ARTICLE XV

The present treaty shall be ratified by the high contracting parties as soon as possible, in accordance with their respective constitutional procedures.

The original treaty and the instruments of ratification shall be deposited in the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall communicate the ratifications to the other signatory states. The treaty shall go into effect between the high contracting parties 30 days after the deposit of the respective ratifications, and in the order in which they are effected.

ARTICLE XVI

This treaty shall remain open to the adherence of all states.

Adherence shall be effected by the deposit of the respective instrument in the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall give notice thereof to the other interested states.

ARTICLE XVII

The present treaty is concluded for an indefinite time, but may be denounced by 1 year's notice, on the expiration of which the effects thereof shall cease for the denouncing state, and remain in force for the other states which are parties thereto, by signature or adherence.

The denunciation shall be addressed to the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall transmit it to the other interested states.

In witness whereof, the respective plenipotentiaries sign the present treaty in one copy, in the Spanish and Portuguese languages, and affix their seals thereto, at Rio de Janeiro, D. F., on the tenth day of the month of October nineteen hundred and thirty-three.

For the Argentine Republic:

CARLOS SAAVEDRA LAMAS [SEAL]
*Minister of Foreign Relations and
Worship*

For the Republic of the United States of
Brazil:

AFRANIO DE MELLO FRANCO [SEAL]
Minister of Foreign Relations

For the Republic of Chile: with the
reservations under letters *a*, *b*, *c*,
and *d* of article V:

MARCIAL MARTINEZ DE FERRARI [SEAL]
*Ambassador Extraordinary and Pleni-
potentiary at Rio de Janeiro*

For the United Mexican States:

ALFONSO REYES [SEAL]
*Ambassador Extraordinary and Pleni-
potentiary at Rio de Janeiro*

For the Republic of Paraguay:

ROGELIO IBARRA [SEAL]
*Envoy Extraordinary and Minister
Plenipotentiary at Rio de Janeiro*

For the Oriental Republic of Uruguay:

JUAN CARLOS BLANCO [SEAL]
*Ambassador Extraordinary and Pleni-
potentiary at Rio de Janeiro*

NATIONALITY OF WOMEN (INTER-AMERICAN)

Convention signed at Montevideo December 26, 1933

Senate advice and consent to ratification May 24, 1934

Ratified by the President of the United States June 30, 1934

*Ratification of the United States deposited with the Pan American Union
July 13, 1934*

*Entered into force August 29, 1934*¹

Proclaimed by the President of the United States October 11, 1934

49 Stat. 2957; Treaty Series 875

CONVENTION ON THE NATIONALITY OF WOMEN

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on the Nationality of Women, have appointed the following Plenipotentiaries:

Honduras:

MIGUEL PAZ BARAONA

AUGUSTO C. COELLO

LUIS BOGRÁN

United States of America:

CORDELL HULL

ALEXANDER W. WEDDELL

J. REUBEN CLARK

J. BUTLER WRIGHT

SPRUILLE BRADEN

MISS SOPHONISBA P.

BRECKINRIDGE

El Salvador:

HÉCTOR DAVID CASTRO

ARTURO RAMÓN AVILA

J. CIPRIANO CASTRO

Dominican Republic:

TULIO M. CESTERO

Haiti:

JUSTIN BARAU

FRANCIS SALGADO

ANTOINE PIERRE-PAUL

EDMOND MANGONÉS

Argentina:

CARLOS SAAVEDRA LAMAS

JUAN F. CAFFERATA

RAMÓN S. CASTILLO

CARLOS BREBBIA

ISIDORO RUIZ MORENO

LUIS A. PODESTÁ COSTA

RAÚL PREBISCH

DANIEL ANTOKOLETZ

¹ Date of deposit of second instrument of ratification.

Venezuela:

CÉSAR ZUMETA
 LUIS CHURION
 JOSÉ RAFAEL MONTILLA

Uruguay:

ALBERTO MAÑÉ
 JUAN JOSÉ AMÉZAGA
 JOSÉ G. ANTUÑA
 JUAN CARLOS BLANCO
 Señora SOFÍA A. V. DE DEMICHELI
 MARTÍN R. ECHEGOYEN
 LUIS ALBERTO DE HERRERA
 PEDRO MANINI RÍOS
 MATEO MARQUES CASTRO
 RODOLFO MEZZERA
 OCTAVIO MORATÓ
 LUIS MORQUIO
 TEÓFILO PIÑEYRO CHAIN
 DARDO REGULES
 JOSÉ SERRATO
 JOSÉ PEDRO VARELA

Paraguay:

JUSTO PASTOR BENÍTEZ
 GERÓNIMO RIART
 HORACIO A. FERNÁNDEZ
 Señorita MARÍA F. GONZÁLEZ

Mexico:

JOSÉ MANUEL PUIG CASAURANC
 ALFONSO REYES
 BASILIO VADILLO
 GENARO V. VÁSQUEZ
 ROMEO ORTEGA
 MANUEL J. SIERRA
 EDUARDO SUÁREZ

Panama:

J. D. AROSEMENA
 EDUARDO E. HOLGUÍN
 OSCAR R. MULLER
 MAGÍN PONS

Bolivia:

CASTO ROJAS
 DAVID ALVÉSTEGUI
 ARTURO PINTO ESCALIER

Guatemala:

ALFREDO SKINNER KLEE
 JOSÉ GONZÁLEZ CAMPO
 CARLOS SALAZAR
 MANUEL ARROYO

Brazil:

AFRANIO DE MELLO FRANCO
 LUCILLO A. DA CUNHA BUENO
 FRANCISCO LUIS DA SILVA CAMPOS
 GILBERTO AMADO
 CARLOS CHAGAS
 SAMUEL RIBEIRO

Ecuador:

AUGUSTO AGUIRRE APARICIO
 HUMBERTO ALBORNOZ
 ANTONIO PARRA
 CARLOS PUIG VILASSAR
 ARTURO SCARONE

Nicaragua:

LEONARDO ARGÜELLO
 MANUEL CORDERO REYES
 CARLOS CUADRA PASOS

Colombia:

ALFONSO LÓPEZ
 RAIMUNDO RIVAS
 JOSÉ CAMACHO CARREÑO

Chile:

MIGUEL CRUCHAGA TOCORNAL
 OCTAVIO SEÑORET SILVA
 GUSTAVO RIVERA
 JOSÉ RAMÓN GUTIÉRREZ
 FÉLIX NIETO DEL RÍO
 FRANCISCO FIGUEROA SÁNCHEZ
 BENJAMÍN COHEN

Peru:

ALFREDO SOLF Y MURO
 FELIPE BARREDA LAOS
 LUIS FERNÁN CISNEROS

Cuba:

ANGEL ALBERTO GIRAUDY
 HERMINIO PORTELL VILÁ
 ALFREDO NOGUEIRA

Who, after having exhibited their Full Powers, which were found in good and due form, have agreed upon the following:

ARTICLE 1

There shall be no distinction based on sex as regards nationality, in their legislation or in their practice.

ARTICLE 2

The present convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 3

The present convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE 4

The present convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

ARTICLE 5

The present convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

Honduras:

The Delegation of Honduras adheres to the Convention on Equality of Nationality, with the reservations and limitations which the Constitution and laws of our country determine.

M. PAZ BARAONA
AUGUSTO C. COELLC
LUIS BOGRÁN

United States of America:

The Delegation of the United States of America, in signing the Convention of the Nationality of Women makes the reservation that the agreement on the part of the United States is, of course and of necessity, subject to congressional action.

ALEXANDER W. WEDDELL
J. BUTLER WRIGHT

El Salvador:

Reservation to the effect that in El Salvador the Convention cannot be the object of immediate ratification, but that it will be necessary to consider previously the desirability of reforming the existing Naturalization Law, ratification being obtained only in the event that such legislative reform is undertaken, and after it may have been effected.

HÉCTOR DAVID CASTRO
ARTURO R. AVILA

Dominican Republic:

TULIO M. CESTERO

Haiti:

J. BARAU
F. SALGADO
EDMOND MANGONÉS (with reservations)
A. PRRE. PAUL (with reservations)

Argentina:

CARLOS SAAVEDRA LAMAS
JUAN F. CAFFERATA
RAMÓN S. CASTILLO
I. RUIZ MORENO
L. A. PODESTÁ COSTA
D. ANTOKOLETZ

Uruguay:

A. MAÑÉ
JOSÉ PEDRO VARELA
MATEO MARQUES CASTRO
DARDO REGULES
SOFÍA ALVAREZ VIGNOLI DE DEMICHELI
TEÓFILO PIÑEYRO CHAIN
LUIS A. DE HERRERA
MARTÍN R. ECHEGOYEN
JOSÉ G. ANTUÑA
J. C. BLANCO
PEDRO MANINI RÍOS
RODOLFO MEZZERA
OCTAVIO MORATÓ
LUIS MORQUIO
JOSÉ SERRATO

Paraguay:

JUSTO PASTOR BENÍTEZ
MARÍA F. GONZÁLEZ

Mexico:

B. VADILLO
M. J. SIERRA
EDUARDO SUÁREZ

Panama:

J. D. AROSEMENA
MAGIN PONS
EDUARDO E. HOLGUIN

Bolivia:

ARTURO PINTO ESCALIER

Guatemala:

A. SKINNER KLEE
J. GONZÁLEZ CAMPO
CARLOS SALAZAR
M. ARROYO

Brazil:

LUCILLO A. DA CUNHA BUENO
GILBERTO AMADO

Ecuador:

A. AGUIRRE APARICIO
H. ALBORNOZ
ANTONIO PARRA V.
C. PUIG V.
ARTURO SCARONE

Nicaragua:

LEONARDO ARGÜELLO
M. CORDERO REYES
CARLOS CUADRA PASOS

Colombia:

ALFONSO LÓPEZ
RAIMUNDO RIVAS

Chile:

MIGUEL CRUCHAGA
J. RAMÓN GUTIÉRREZ
F. FIGUEROA
F. NIETO DEL RÍO
B. COHEN

Peru:

ALFREDO SOLF Y MURO

Cuba:

ALBERTO GIRAUDY
HERMINIO PORTELL VILÁ
ING. A. E. NOGUEIRA

RIGHTS AND DUTIES OF STATES (INTER-AMERICAN)

Convention signed at Montevideo December 26, 1933

*Senate advice and consent to ratification, with a reservation, June 15, 1934*¹

*Ratified by the President of the United States, with a reservation, June 29, 1934*¹

Ratification of the United States deposited with the Pan American Union July 13, 1934

*Entered into force December 26, 1934*²

Proclaimed by the President of the United States January 18, 1935

*Article 8 reaffirmed by protocol of December 23, 1936*³

49 Stat. 3097; Treaty Series 881

CONVENTION ON RIGHTS AND DUTIES OF STATES

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Rights and Duties of States, have appointed the following Plenipotentiaries:

Honduras:

MIGUEL PAZ BARAONA

AUGUSTO C. COELLO

LUIS BOGRÁN

SPRUILLE BRADEN

MISS SOPHONISBA P.

BRECKINRIDGE

United States of America:

CORDELL HULL

ALEXANDER W. WEDDELL

J. REUBEN CLARK

J. BUTLER WRIGHT

El Salvador:

HÉCTOR DAVID CASTRO

ARTURO RAMÓN ÁVILA

J. CIPRIANO CASTRO

Dominican Republic:

TULIO M. CESTERO

¹ For text of U.S. reservation made at time of signing and maintained in the Senate's resolution of advice and consent and in the President's ratification, see p. 149.

² Date of deposit of second instrument of ratification.

³ TS 923, *post*, p. 343.

Haiti:

JUSTIN BARAU
FRANCIS SALGADO
ANTOINE PIERRE-PAUL
EDMOND MANGONÉS

Argentina:

CARLOS SAAVEDRA LAMAS
JUAN F. CAFFERATA
RAMÓN S. CASTILLO
CARLOS BREBBIA
ISIDORO RUIZ MORENO
LUIS A. PODESTÁ COSTA
RAÚL PREBISCH
DANIEL ANTOKOLETZ

Venezuela:

CÉSAR ZUMETA
LUIS CHURION
JOSÉ RAFAEL MONTILLA

Uruguay:

ALBERTO MAÑÉ
JUAN JOSÉ AMÉZAGA
JOSÉ G. ANTUÑA
JUAN CARLOS BLANCO
Señora SOFÍA A. V. DE DEMICHELI
MARTÍN R. ECHEGOYEN
LUIS ALBERTO DE HERRERA
PEDRO MANINI RÍOS
MATEO MARQUES CASTRO
RODOLFO MEZZERA
OCTAVIO MORATÓ
LUIS MORQUIO
TEÓFILO PIÑEYRO CHAIN
DARDO REGULES
JOSÉ SERRATO
JOSÉ PEDRO VARELA

Paraguay:

JUSTO PASTOR BENÍTEZ
GERÓNIMO RIART
HORACIO A. FERNÁNDEZ
Señorita MARÍA F. GONZÁLEZ

Mexico:

JOSÉ MANUEL PUIG CASAURANG
ALFONSO REYES

BASILIO VADILLO
GENARO V. VASQUEZ
ROMEO ORTEGA
MANUEL J. SIERRA
EDUARDO SUÁREZ

Panama:

J. D. AROSEMENA
EDUARDO E. HOLGUÍN
OSCAR R. MULLER
MACÍN PONS

Bolivia:

CASTO ROJAS
DAVID ALVÉSTEGUI
ARTURO PINTO ESCALIER

Guatemala:

ALFREDO SKINNER KLEE
JOSÉ GONZÁLEZ CAMPO
CARLOS SALAZAR
MANUEL ARROYO

Brazil:

AFRANIO DE MELLO FRANCO
LUCILLO A DA CUNHA BUENO
FRANCISCO LUIS DA SILVA CAMPOS
GILBERTO AMADO
CARLOS CHAGAS
SAMUEL RIBEIRO

Ecuador:

AUGUSTO AGUIRRE APARICIO
HUMBERTO ALBORNOZ
ANTONIO PARRA
CARLOS PUIG VILASSAR
ARTURO SCARONE

Nicaragua:

LEONARDO ARGÜELLO
MANUEL CORDERO REYES
CARLOS CUADRA PASOS

Colombia:

ALFONSO LÓPEZ
RAIMUNDO RIVAS
JOSÉ CAMACHO CARREÑO

Chile:

MIGUEL CRUCHAGA TOCORNAL

OCTAVIO SEÑORET SILVA

GUSTAVO RIVERA

JOSÉ RAMÓN GUTIÉRREZ

FÉLIX NIETO DEL RÍO

FRANCISCO FIGUEROA SÁNCHEZ

BENJAMÍN COHEN

Peru:

ALFREDO SOLF Y MURO

FELIPE BARREDA LAOS

LUIS FERNÁN CISNEROS

Cuba:

ANGEL ALBERTO GIRAUDY

HERMINIO PORTELL VILÁ

ALFREDO NOGUEIRA

Who, after having exhibited their Full Powers, which were found to be in good and due order, have agreed upon the following:

ARTICLE 1

The state as a person of international law should possess the following qualifications: *a*) a permanent population; *b*) a defined territory; *c*) government; and *d*) capacity to enter into relations with the other states.

ARTICLE 2

The federal state shall constitute a sole person in the eyes of international law.

ARTICLE 3

The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.

The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law.

ARTICLE 4

States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law.

ARTICLE 5

The fundamental rights of states are not susceptible of being affected in any manner whatsoever.

ARTICLE 6

The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable.

ARTICLE 7

The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

ARTICLE 8

No state has the right to intervene in the internal or external affairs of another.

ARTICLE 9

The jurisdiction of states within the limits of national territory applies to all the inhabitants.

Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals.

ARTICLE 10

The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.

ARTICLE 11

The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

ARTICLE 12

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE 13

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory govern-

ments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 14

The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE 15

The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

ARTICLE 16

The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this Convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

RESERVATIONS

The Delegation of the United States of America, in signing the Convention on the Rights and Duties of States, does so with the express reservation presented to the Plenary Session of the Conference on December 22, 1933, which reservation reads as follows:

The Delegation of the United States, in voting "yes" on the final vote on this committee recommendation and proposal, makes the same reservation to the eleven articles of the project or proposal that the United States Delegation made to the first ten articles during the final vote in the full Commission, which reservation is in words as follows:

"The policy and attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been made by both word and action especially since March 4. I [Secretary of State Cordell Hull, chairman of U.S. delegation] have no disposition therefore to indulge in any repetition or rehearsal of these acts and utterances and shall not do so. Every observing person must by this time thoroughly understand that under the Roosevelt Administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

"In addition to numerous acts and utterances in connection with the carrying out of these doctrines and policies, President Roosevelt, during recent weeks, gave out a public state-

ment expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903. I feel safe in undertaking to say that under our support of the general principle of non-intervention as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt Administration. I think it unfortunate that during the brief period of this Conference there is apparently not time within which to prepare interpretations and definitions of these fundamental terms that are embraced in the report. Such definitions and interpretations would enable every government to proceed in a uniform way without any difference of opinion or of interpretations. I hope that at the earliest possible date such very important work will be done. In the meantime in case of differences of interpretations and also until they (the proposed doctrines and principles) can be worked out and codified for the common use of every government, I desire to say that the United States Government in all of its international associations and relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4 which are embodied in the different addresses of President Roosevelt since that time and in the recent peace address of myself on the 15th day of December before this Conference and in the law of nations as generally recognized and accepted".

The delegates of Brazil and Peru recorded the following private vote with regard to article 11: "That they accept the doctrine in principle but that they do not consider it codifiable because there are some countries which have not yet signed the Anti-War Pact of Rio de Janeiro ⁴ of which this doctrine is a part and therefore it does not yet constitute positive international law suitable for codification".

Honduras:

M. PAZ BARAONA
AUGUSTO C. COELLO
LUIS BOGRÁN

United States of America:

ALEXANDER W. WEDDELL
J. BUTLER WRIGHT

El Salvador:

HÉCTOR DAVID CASTRO
ARTURO R. AVILA

Dominican Republic:

TULIO M. CESTERO

Haiti:

J. BARAU
F. SALGADO
EDMOND MANGONÉS
A. PRRE. PAUL

Argentina:

CARLOS SAAVEDRA LAMAS
JUAN F. CAFFERATA
RAMÓN S. CASTILLO
I. RUIZ MORENO
L. A. PODESTÁ COSTA
D. ANTOKOLETZ

Venezuela:

LUIS CHURION
J. R. MONTILLA

Uruguay:

A. MAÑÉ
JOSÉ PEDRO VARELA
MATEO MARQUES CASTRO
DARDO REGULES
SOFÍA ALVAREZ VIGNOLI DE DEMICHELI
TEÓFILO PIÑEYRO CHAIN
LUIS A. DE HERRERA
MARTÍN R. ECHEGOYEN
JOSÉ G. ANTUÑA
J. C. BLANCO
PEDRO MANINI RÍOS
RODOLFO MEZZERA
OCTAVIO MORATÓ
LUIS MORQUIO
JOSÉ SERRATO

Paraguay:

JUSTO PASTOR BENÍTEZ
MARÍA F. GONZÁLEZ

Mexico:

B. VADILLO
M. J. SIERRA
EDUARDO SUÁREZ

Panama:

J. D. AROSEMENA
MAGIN PONS
EDUARDO E. HOLGUIN

⁴ Treaty signed at Rio de Janeiro Oct. 10, 1933 (TS 906), *ante*, p. 135.

Guatemala:

M. ARROYO

Brazil:

LUCILLO A. DA CUNHA BUENO

GILBERTO AMADO

Ecuador:

A. AGUIRRE APARICIO

H. ALBORNOZ

ANTONIO PARRA V.

C. PUIG V.

ARTURO SCARONE

Nicaragua:

LEONARDO ARGÜELLO

M. CORDERO REYES

CARLOS CUADRA PASOS

Colombia:

ALFONSO LÓPEZ

RAIMUNDO RIVAS

Chile:

MIGUEL CRUCHAGA

J. RAMÓN GUTIÉRREZ

F. FIGUEROA

F. NIETO DEL RÍO

B. COHEN

Peru:

(with the reservation set forth)

ALFREDO SOLF Y MURO

Cuba:

ALBERTO GIRAUDY

HERMINIO PORTELL VILÁ

Ing. NOGUEIRA

EXTRADITION (INTER-AMERICAN)

Convention signed at Montevideo December 26, 1933

*Senate advice and consent to ratification, with an understanding,
June 15, 1934¹*

*Ratified by the President of the United States, with an understanding,
June 29, 1934¹*

*Ratification of the United States deposited with the Pan American
Union July 13, 1934*

Entered into force January 25, 1935²

Proclaimed by the President of the United States January 25, 1935

49 Stat. 3111; Treaty Series 882

CONVENTION ON EXTRADITION

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Extradition, have appointed the following Plenipotentiaries:

Honduras:

MIGUEL PAZ BARAONA
AUGUSTO C. COELLO
LUIS BOGRÁN

El Salvador:

HÉCTOR DAVID CASTRO
ARTURO RAMÓN ÁVILA
J. CIPRIANO CASTRO

United States of America:

CORDELL HULL
ALEXANDER W. WEDDELL
J. REUBEN CLARK
J. BUTLER WRIGHT
SPRUILLE BRADEN
Miss SOPHONISBA P.
BRECKINRIDGE

Dominican Republic:

TULIO M. CESTERO

Haiti:

JUSTIN BARAU
FRANCIS SALGADO
ANTOINE PIERRE-PAUL
EDMOND MANGONÉS

¹ The U.S. understanding is that “. . . Article 2, paragraph *d* of Article 3, and Articles 12, 15, 16 and 18, are reserved from the convention as declared by the delegation of the United States of America at the said conference (see p. 159), and that such articles and paragraph shall not be binding upon the United States of America, unless and until subsequently ratified in accordance with the Constitution and laws of the United States of America.”

² Thirty days after deposit of second instrument of ratification.

Argentina:

CARLOS SAAVEDRA LAMAS
 JUAN F. CAFFERATA
 RAMÓN S. CASTILLO
 CARLOS BREBBIA
 ISIDORO RUIZ MORENO
 LUIS A. PODESTÁ COSTA
 RAÚL PREBISCH
 DANIEL ANTOKOLETZ

Venezuela:

CÉSAR ZUMETA
 LUIS CHURION
 JOSÉ RAFAEL MONTILLA

Uruguay:

ALBERTO MAÑÉ
 JUAN JOSÉ AMÉZAGA
 JOSÉ G. ANTUÑA
 JUAN CARLOS BLANCO
 Señora SOFÍA A. V. DE DEMICHELI
 MARTÍN R. ECHEGOYEN
 LUIS ALBERTO DE HERRERA
 PEDRO MANINI RÍOS
 MATEO MARQUES CASTRO
 RODOLFO MEZZERA
 OCTAVIO MORATÓ
 LUIS MORQUIO
 TEÓFILO PIÑEYRO CHAIN
 DARDO REGULES
 JOSÉ SERRATO
 JOSÉ PEDRO VARELA

Paraguay:

JUSTO PASTOR BENÍTEZ
 GERÓNIMO RIART
 HORACIO A. FERNÁNDEZ
 Señorita MARÍA F. GONZÁLEZ

Mexico:

JOSÉ MANUEL PUIG CASAURANG
 ALFONSO REYES
 BASILIO VADILLO
 GENARO V. VASQUEZ
 ROMEO ORTEGA
 MANUEL J. SIERRA
 EDUARDO SUÁREZ

Panama:

J. D. AROSEMENA
 EDUARDO E. HOLGUÍN
 OSCAR R. MULLER
 MAGÍN PONS

Bolivia:

CASTO ROJAS
 DAVID ALVÉSTEGUI
 ARTURO PINTO ESCALIER

Guatemala:

ALFREDO SKINNER KLEE
 JOSÉ GONZÁLEZ CAMPO
 CARLOS SALAZAR
 MANUEL ARROYO

Brazil:

AFRANIO DE MELLO FRANCO
 LUCILLO A. DA CUNHA BUENO
 FRANCISCO LUIS DA
 SILVA CAMPOS
 GILBERTO AMADO
 CARLOS CHAGAS
 SAMUEL RIBEIRO

Ecuador:

AUGUSTO AGUIRRE APARICIO
 HUMBERTO ALBORNOZ
 ANTONIO PARRA
 CARLOS PUIG VILASSAR
 ARTURO SCARONE

Nicaragua:

LEONARDO ARGÜELLO
 MANUEL CORDERO REYES

Colombia:

ALFONSO LÓPEZ
 RAIMUNDO RIVAS
 JOSÉ CAMACHO CARREÑO

Chile:

MIGUEL CRUCHAGA TOCORNAL
 OCTAVIO SEÑORET SILVA
 GUSTAVO RIVERA
 JOSÉ RAMÓN GUTIÉRREZ
 FÉLIX NIETO DEL RÍO
 FRANCISCO FIGUERO SÁNCHEZ
 BENJAMÍN COHEN

Peru:

ALFREDO SOLF Y MURO
FELIPE BARREDA LAOS
LUIS FERNÁN CISNEROS

Cuba:

ANGEL ALBERTO GIRAUDY
HERMINIO PORTELL VILÁ
ALFREDO NOGUEIRA

Who, after having exhibited their Full Powers, which were found in good and due form, have agreed upon the following:

ARTICLE 1

Each one of the signatory States in harmony with the stipulations of the present Convention assumes the obligation of surrendering to any one of the States which may make the requisition, the persons who may be in their territory and who are accused or under sentence. This right shall be claimed only under the following circumstances:

a) That the demanding State have the jurisdiction to try and to punish the delinquency which is attributed to the individual whom it desires to extradite.

b) That the act for which extradition is sought constitutes a crime and is punishable under the laws of the demanding and surrendering States with a minimum penalty of imprisonment for one year.

ARTICLE 2³

When the person whose extradition is sought is a citizen of the country to which the requisition is addressed, his delivery may or may not be made, as the legislation or circumstances of the case may, in the judgment of the surrendering State, determine. If the accused is not surrendered, the latter State is obliged to bring action against him for the crime with which he is accused, if such crime meets the conditions established in sub-article (*b*) of the previous article. The sentence pronounced shall be communicated to the demanding State.

ARTICLE 3

Extradition will not be granted:

a) When, previous to the arrest of the accused person, the penal action or sentence has expired according to the laws of the demanding or the surrendering State.

b) When the accused has served his sentence in the country where the crime was committed or when he may have been pardoned or granted an amnesty.

c) When the accused has been or is being tried by the State to which the requisition was directed for the act with which he is charged and on which the petition of extradition is based.

³ For text of U.S. understanding, see footnote 1, p. 152.

d) When the accused must appear before any extraordinary tribunal or court of the demanding State (tribunal o juzgado de excepción del Estado requeriente). Military courts will not be considered as such tribunals.³

e) When the offense is of a political nature or of a character related thereto. An attempt against the life or person of the Chief of State or members of his family, shall not be deemed to be a political offense.

f) When the offense is purely military or directed against religion.

ARTICLE 4

The determination of whether or not the exceptions referred to in the previous article are applicable shall belong exclusively to the State to which the request for extradition is addressed.

ARTICLE 5

A request for extradition should be formulated by the respective diplomatic representative. When no such representative is available, consular agents may serve, or the governments may communicate directly with one another. The following documents in the language of the country to which the request for extradition is directed, shall accompany every such request:

a) An authentic copy of the sentence, when the accused has been tried and condemned by the courts of the demanding State.

b) When the person is only under accusation, an authentic copy of the order of detention issued by the competent judge, with a precise description of the imputed offense, a copy of the penal laws applicable thereto, and a copy of the laws referring to the prescription of the action or the penalty.

c) In the case of an individual under accusation as also of an individual already condemned, there shall be furnished all possible information of a personal character which may help to identify the individual whose extradition is sought.

ARTICLE 6

When a person whose extradition is sought shall be under trial or shall be already condemned in the State from which it is sought to extradite him, for an offense committed prior to the request for extradition, said extradition shall be granted at once, but the surrender of the accused to the demanding State shall be deferred until his trial ends or his sentence is served.

ARTICLE 7

When the extradition of a person is sought by several States for the same offense, preference will be given to the State in whose territory said offense was committed. If he is sought for several offenses, preference will be given to the State within whose bounds shall have been committed the offense which has the greatest penalty according to the law of the surrendering State.

If the case is one of different acts which the State from which extradition is sought esteems of equal gravity, the preference will be determined by the priority of the request.

ARTICLE 8

The request for extradition shall be determined in accordance with the domestic legislation of the surrendering State and the individual whose extradition is sought shall have the right to use all the remedies and resources authorized by such legislation, either before the judiciary or the administrative authorities as may be provided for by the aforesaid legislation.

ARTICLE 9

Once a request for extradition in the form indicated in Article 5 has been received, the State from which the extradition is sought will exhaust all necessary measures for the capture of the person whose extradition is requested.

ARTICLE 10

The requesting State may ask, by any means of communication, the provisional or preventive detention of a person, if there is, at least, an order by some court for his detention and if the State at the same time offers to request extradition in due course. The State from which the extradition is sought will order the immediate arrest of the accused. If within a maximum period of two months after the requesting State has been notified of the arrest of the person, said State has not formally applied for extradition, the detained person will be set at liberty and his extradition may not again be requested except in the way established by Article 5.

The demanding State is exclusively liable for any damages which might arise from the provisional or preventive detention of a person.

ARTICLE 11

Extradition having been granted and the person requested put at the disposition of the diplomatic agent of the demanding State, then, if, within two months from the time when said agent is notified of same, the person has not been sent to his destination, he will be set at liberty, and he cannot again be detained for the same cause.

The period of two months will be reduced to forty days when the countries concerned are conterminous.

ARTICLE 12 ⁴

Once extradition of a person has been refused, application may not again be made for the same alleged act.

⁴ For text of U.S. understanding, see footnote 1, p. 152.

ARTICLE 13

The State requesting the extradition may designate one or more guards for the purpose of taking charge of the person extradited, but said guards will be subject to the orders of the police or other authorities of the State granting the extradition or of the States in transit.

ARTICLE 14

The surrender of the person extradited to the requesting State will be done at the most appropriate point on the frontier or in the most accessible port, if the transfer is to be made by water.

ARTICLE 15 ⁴

The objects found in the possession of the person extradited, obtained by the perpetration of the illegal act for which extradition is requested, or which might be useful as evidence of same, will be confiscated and handed over to the demanding country, notwithstanding it might not be possible to surrender the accused because of some unusual situation such as his escape or death.

ARTICLE 16 ⁴

The costs of arrest, custody, maintenance, and transportation of the person, as well as of the objects referred to in the preceding article, will be borne by the State granting the extradition up to the moment of surrender and from thereon they will be borne by the demanding State.

ARTICLE 17

Once the extradition is granted, the demanding State undertakes:

a) Not to try nor to punish the person for a common offense which was committed previous to the request for extradition and which has not been included in said request, except only if the interested party expressly consents.

b) Not to try nor to punish the person for a political offense, or for an offense connected with a political offense, committed previous to the request for extradition.

c) To apply to the accused the punishment of next lesser degree than death if according to the legislation of the country of refuge the death penalty would not be applicable.

d) To furnish to the State granting the extradition an authentic copy of the sentence pronounced.

ARTICLE 18 ⁴

The signatory States undertake to permit the transit through their respective territories of any person whose extradition has been granted by another State in favor of a third, requiring only the original or an authentic copy of the agreement by which the country of refuge granted the extradition.

ARTICLE 19

No request for extradition may be based upon the stipulations of this Convention if the offense in question has been committed before the ratification of the Convention is deposited.

ARTICLE 20

The present Convention will be ratified by means of the legal forms in common use in each of the signatory States, and will come into force, for each of them, thirty days after the deposit of the respective ratification.

The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan-American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 21

The present Convention does not abrogate or modify the bilateral or collective treaties, which at the present date are in force between the signatory States. Nevertheless, if any of said treaties lapse, the present Convention will take effect and become applicable immediately among the respective States, if each of them has fulfilled the stipulations of the preceding article.

ARTICLE 22

The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan-American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

ARTICLE 23

The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan-American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

RESERVATIONS

The Delegation of the United States of America, in signing the present Extradition Convention, reserves the following articles:

Article 2. (second sentence, English text) ;

Article 3, paragraph *d* ;

Articles 12, 15, 16 and 18.

Reservation to the effect that El Salvador, although it accepts in general principle Article XVIII of the Inter-American Treaty of Extradition, concretely stipulates the exception that it cannot cooperate in the surrender of its own nationals, prohibited by its Political Constitution, by permitting the transit through its territory of said nationals when one foreign State surrenders them to another.

Mexico signs the Convention on Extradition with the declaration with respect to Article 3, paragraph *f*, that the internal legislation of Mexico does not recognize offenses against religion. It will not sign the optional clause of this Convention.

The Delegation from Ecuador, in dealing with the Nations with which Ecuador has signed Conventions on Extraditions, accepts the stipulations herein established in all respects which are not contrary to said Conventions.

Honduras:

M. PAZ BARAONA
AUGUSTO C. COELLO
LUIS BOGRÁN

United States of America:

ALEXANDER W. WEDDELL
J. BUTLER WRIGHT

El Salvador:

HÉCTOR DAVID CASTRO
ARTURO R. ÁVILA

Dominican Republic:

TULIO M. CESTERO

Haiti:

J. BARAU
F. SALGADO
EDMUND MANGONÉS
A. PRRE. PAUL

Argentina:

CARLOS SAAVEDRA LAMAS
JUAN F. CAFFERATA
RAMÓN S. CASTILLO
I. RUIZ MORENO
L. A. PODESTÁ COSTA
D. ANTOKOLETZ

Uruguay:

A. MAÑÉ
JOSÉ PEDRO VARELA
MATEO MARQUES CASTRO
DARDO REGULES
SOFÍA ALVAREZ VIGNOLI DE
DEMICHELI
TEÓFILO PIÑEYRO CHAIN
LUIS A. DE HERRERA
MARTÍN R. ECHEGOYEN
JOSÉ G. ANTUÑA
J. C. BLANCO
PEDRO MANINI RÍOS
RODOLFO MEZZERA
OCTAVIO MORATÓ
LUIS MORQUIO
JOSÉ SERRATO

Paraguay:

JUSTO PASTOR BENÍTEZ
MARÍA F. GONZÁLEZ

Mexico:

B. VADILLO
M. J. SIERRA
EDUARDO SUÁREZ

Panama:

J. D. AROSEMENA
MAGIN PONS
EDUARDO E. HOLGUIN

Guatemala:

A. SKINNER KLEE
J. GONZÁLEZ CAMPO
CARLOS SALAZAR
M. ARROYO

Brazil:

LUCILLO A. DA CUNHA BUENO
GILBERTO AMADO

Ecuador:

A. AGUIRRE APARICIO
H. ALBORNOZ
ANTONIO PARRA V.
C. PUIG V.
ARTURO SCARONE

Nicaragua:

LEONARDO ARGÜELLO
M. CORDERO REYES
CARLOS CUADRA PASOS

Colombia:

ALFONSO LÓPEZ
RAIMUNDO RIVAS

Chile:

MIGUEL CRUCHAGA
J. RAMÓN GUTIÉRREZ
F. FIGUEROA.
F. NIETO DEL RÍO
B. COHEN

Peru:

ALFREDO SOLF Y MURO

Cuba:

ALBERTO GIRAUDY.
HERMINIO PORTELL VILÁ
ING. A. A. NOGUEIRA

OPTIONAL CLAUSE

The States signing this clause, notwithstanding Article 2 of the preceding Convention on Extradition, agree among themselves that in no case will the nationality of the criminal be permitted to impede his extradition.

The present clause is open to those States signing said Treaty of Extradition, which desire to be ruled by it in the future, for which purpose it will be sufficient to communicate their adherence to the Pan American Union.

Argentina:

L. A. PODESTÁ COSTA
D. ANTOKOLETZ

Uruguay:

A. MAÑÉ
JOSÉ PEDRO VARELA
MATEO MARQUES CASTRO
DARDO REGULES
SOFÍA ALVAREZ VIGNOLI DE
DEMICHELI

TEÓFILO PIÑEYRO CHAIN

LUIS A. DE HERRERA
MARTÍN R. ECHEGOYEN
JOSÉ G. ANTUÑA
J. C. BLANCO
PEDRO MANINI RÍOS
RODOLFO MEZZERA
OCTAVIO MORATÓ
LUIS MORQUIO
JOSÉ SERRATO

INTER-AMERICAN CONCILIATION

Additional protocol to convention of January 5, 1929, signed at Montevideo December 26, 1933

Senate advice and consent to ratification June 15, 1934

Ratified by the President of the United States June 29, 1934

Ratification of the United States deposited at Santiago August 18, 1934

*Entered into force March 10, 1935*¹

Proclaimed by the President of the United States May 8, 1935

49 Stat. 3185; Treaty Series 887

ADDITIONAL PROTOCOL TO THE GENERAL CONVENTION OF INTER-AMERICAN CONCILIATION

The High Contracting Parties of the General Convention of Inter-American Conciliation of the 5th of January, 1929,² convinced of the undeniable advantage of giving a permanent character to the Commissions of Investigation and Conciliation to which Article 2 of said Convention refers, agree to add to the aforementioned Convention the following and additional Protocol.

ARTICLE 1

Each country signatory to the Treaty signed in Santiago, Chile, the 3rd of May, 1923,³ shall name, as soon as possible, by means of a bilateral agreement which shall be recorded in a simple exchange of notes with each one of the other signatories of the aforementioned Treaty, those members of the various commissions provided for in Article 4 of said Treaty. The commissions so named shall have a permanent character and shall be called Commissions of Investigation and Conciliation.

ARTICLE 2

Any of the contracting parties may replace the members which have been designated, whether they be nationals or foreigners; but, at the same time, the substitute shall be named. In case the substitution is not made, the replacement shall not be effective.

¹ Date of deposit of second instrument of ratification.

² TS 780, *ante*, vol. 2, p. 745.

³ TS 752, *ante*, vol. 2, p. 413.

ARTICLE 3

The commissions organized in fulfillment of Article 3 of the aforementioned Treaty of Santiago, Chile, shall be called Permanent Diplomatic Commissions of Investigation and Conciliation.

ARTICLE 4

To secure the immediate organization of the commissions mentioned in the first Article hereof, the High Contracting Parties engage themselves to notify the Pan American Union at the time of the deposit of the ratification of the present Additional Protocol in the Ministry of Foreign Relations of the Republic of Chile, the names of the two members whose designation they are empowered to make by Article 4 of the Convention of Santiago, Chile, and said members, so named, shall constitute the members of the Commissions which are to be organized with bilateral character in accordance with this Protocol.

ARTICLE 5

It shall be left to the Governing Board of the Pan American Union to initiate measures for bringing about the nomination of the fifth member of each Commission of Investigation and Conciliation in accordance with the stipulation established in Article 4 of the Convention of Santiago, Chile.

ARTICLE 6

In view of the character which this Protocol has as an addition to the Convention of Conciliation of Washington, of January 5, 1929, the provision of Article 16 of said Convention shall be applied thereto.

In witness whereof, the Plenipotentiaries hereinafter indicated, have set their hands and their seals to this Additional Protocol in English, and Spanish, in the city of Montevideo, Republic of Uruguay, this twenty-sixth day of the month of December in the year nineteen hundred and thirty-three.

United States of America:

ALEXANDER W. WEDDELL

J. BUTLER WRIGHT

Uruguay:

A. MAÑÉ

JOSÉ PEDRO VARELA

MATEO MARQUES CASTRO

DARDO REGULES

SOFÍA ALVAREZ VIGNOLI DE DEMI-
CHELI

TEÓFILO PIÑEYRO CHAIN

LUIS A. DE HERRERA

MARTÍN R. ECHEGOYEN

JOSÉ G. ANTUÑA

J. C. BLANCO

PEDRO MANINI RÍOS

RODOLFO MEZZERA

OCTAVIO MORATÓ

LUIS MORQUIO

JOSÉ SERRATO

Ecuador:

A. AGUIRRE APARICIO

ARTURO SCARONE

Chile:

J. RAMÓN GUTIÉRREZ

F. FIGUEROA

B. COHEN

UNIVERSAL POSTAL UNION

*Convention, with final protocol, and provisions concerning transportation of regular mails by air, with final protocol, signed at Cairo March 20, 1934*¹

*Ratified and approved by the Postmaster General of the United States September 13, 1934*²

Approved by the President of the United States October 4, 1934

Entered into force January 1, 1935

*Terminated by convention of May 23, 1939*³

49 Stat. 2741; Post Office Department print

[TRANSLATION]

UNIVERSAL POSTAL CONVENTION

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¹ For text of regulations for execution of the convention, see 49 Stat. 2802; for postal forms annexed to the provisions concerning transportation of regular mails by air, see 49 Stat. 2953.

² In his ratification the Postmaster General stated that the ratification was applicable "to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°), and to Samoa and the Panama Canal Zone."

³ *Post*, p. 539.

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UNIVERSAL POSTAL CONVENTION

concluded between Afghanistan, the Union of South Africa, Albania, Germany, the United States of America, the whole of the Insular Possessions

of the United States of America other than the Philippine Islands, the Philippine Islands, the Kingdom of Saudi Arabia, the Argentine Republic, the Commonwealth of Australia, Austria, Belgium, the Colony of the Belgian Congo, Bolivia, Brazil, Bulgaria, Canada, Chile, China, the Republic of Colombia, the Republic of Costa Rica, the Republic of Cuba, Denmark, the Free City of Danzig, the Dominican Republic, Egypt, Ecuador, Spain, the whole of the Spanish Colonies, Estonia, Ethiopia, Finland, France, Algeria, the French Colonies and Protectorates in Indochina, the whole of the other French Colonies, the United Kingdom of Great Britain and Northern Ireland, Greece, Guatemala, the Republic of Haiti, the Republic of Honduras, Hungary, British India, Iraq, the Irish Free State, Iceland, Italy, the whole of the Italian Colonies, Japan, Chosen, the whole of the other Japanese Dependencies, Latvia, the States of the Levant under French Mandate (Syria and Lebanon), the Republic of Liberia, Lithuania, Luxemburg, Morocco (except the Spanish Zone), Morocco (Spanish Zone), Mexico, Nicaragua, Norway, New Zealand, the Republic of Panama, Paraguay, the Netherlands, Curaçao and Surinam, the Dutch East Indies, Peru, Persia, the Portuguese Colonies in West Africa, the Portuguese Colonies in East Africa, in Asia and Oceania, Rumania, the Republic of San Marino, the Republic of El Salvador, the Saar Territory, Siam, Sweden, the Swiss Confederation, Czechoslovakia, Tunis, Turkey, the Union of Soviet Socialist Republics, the Oriental Republic of Uruguay, the Vatican City State, the United States of Venezuela, Yemen, and the Kingdom of Yugoslavia.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Cairo by virtue of Article 12 of the Universal Postal Convention concluded at London on June 28, 1929,⁴ have, by common consent and subject to ratification, revised the said Convention to read as follows:

Title I

UNIVERSAL POSTAL UNION

CHAPTER I

ORGANIZATION AND EXTENT OF THE UNION

ARTICLE 1

Constitution of the Union

The countries between which the present Convention is concluded form, under the name of *Universal Postal Union*, a single postal territory for the reciprocal exchange of correspondence.

⁴ *Ante*, vol. 2, p. 873.

The purpose of the Postal Union is also to assure the organization and perfection of the various international postal services.

ARTICLE 2

New adhesions. Procedure

Any country is permitted at any time to adhere to the Convention.

Notice of the adhesion shall be given thru diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of all the countries of the Union.

ARTICLE 3

Convention and Agreements of the Union

The regular-mail service is governed by the provisions of the Convention.

Other services, such as those of insured letters and boxes, parcel post, money orders, postal checks, collection orders, and subscriptions to newspapers and periodicals, form the subject of Agreements between countries of the Union.

Such Agreements are binding only upon countries which have adhered to them.

Adhesion to one or more of those Agreements is subject to the provisions of Article 2.

ARTICLE 4

Regulations of Execution

The Postal Administration of the countries of the Union draw up, by mutual agreement, in the form of Regulations of Execution,⁵ the measures of order and detail necessary for the execution of the Convention and the Agreements.

ARTICLE 5

Special treaties and agreements. Restricted Unions

1. Countries of the Union have the right to maintain and conclude treaties, as well as to maintain and establish restricted Unions, with a view to the reduction of rates or any other improvement of postal relations.

2. Administrations of countries whose legislation does not oppose it are authorized to make the necessary agreements among themselves relative to questions which do not interest the whole of the Union, provided that they do not introduce any provisions less favorable than those laid down by the Acts of the Union. They may, in particular, with regard to articles of correspondence, make agreements for the adoption of reduced postage rates.

⁵ See footnote 1, p. 163.

ARTICLE 6

Domestic legislation

The provisions of the Convention and Agreements of the Union do not affect the legislation of any country concerning anything which is not expressly provided for by those Acts.

ARTICLE 7

Exceptional relations

Administrations which serve certain territories not comprised in the Union are bound to act as intermediary for the other Administrations. The provisions of the Convention and its Regulations are applicable to such exceptional relations.

ARTICLE 8

Colonies, Protectorates, etc.

The following are considered as forming a single country or a single Administration of the Union, as the case may be, in the sense of the Convention and Agreements, particularly in regard to their right to vote in Congresses and Conferences and in the interval between meetings, as well as their contribution to the expenses of the International Bureau of the Universal Postal Union:

- 1° The whole of the Insular Possessions of the United States of America other than the Philippine Islands, comprising Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States of America;
- 2° The Philippine Islands;
- 3° The Colony of the Belgian Congo;
- 4° The whole of the Spanish Colonies;
- 5° Algeria;
- 6° The French Colonies and Protectorates in Indochina;
- 7° The whole of the other French Colonies;
- 8° The whole of the Italian Colonies;
- 9° Chosen;
- 10° The whole of the other Japanese Dependencies;
- 11° Curaçao and Surinam;
- 12° The Dutch East Indies;
- 13° The Portuguese Colonies in West Africa;
- 14° The Portuguese Colonies in East Africa, Asia and Oceania.

ARTICLE 9

Application of the Convention to Colonies, Protectorates, etc.

1. Any contracting party may declare, either at the time of its signature, ratification or adhesion, or subsequently, that its acceptance of the present

Convention includes all its colonies, oversea territories, protectorates and territories under suzerainty or mandate, or certain of them only. The said declaration, unless made at the time of signing the Convention, shall be addressed to the Government of the Swiss Confederation.

2. The Convention will apply only to the colonies, oversea territories, protectorates or territories under suzerainty or mandate in whose name declarations have been made by virtue of Section 1.

3. Any contracting party may at any time address to the Government of the Swiss Confederation a notification with a view to denouncing the application of the Convention to any colony, oversea territory, protectorate or territory under suzerainty or mandate in the name of which that party has made a declaration by virtue of Section 1. That notification will become effective one year after the date of its receipt by the Government of the Swiss Confederation.

4. The Government of the Swiss Confederation will transmit to all the contracting parties a copy of every declaration or notification received by virtue of Sections 1 to 3.

5. The provisions of the present Article do not apply to any colony, oversea territory, protectorate or territory under suzerainty or mandate enumerated in the Preamble of the Convention.

ARTICLE 10

Extent of the Union

The following are considered as belonging to the Universal Postal Union:

- (a) The post offices established by countries of the Union in territories not included in the Union;
- (b) The Principality of Liechtenstein, as belonging to the Postal Administration of Switzerland;
- (c) The Faeroe Islands and Greenland, as forming part of Denmark;
- (d) The Spanish possessions on the north coast of Africa, as forming part of Spain;
- (e) The Valleys of Andorra, as served by the Spanish and French Postal Administrations;
- (f) The Principality of Monaco, as belonging to the Postal Administration of France;
- (g) Walvis Bay, as forming part of the Union of South Africa; Basutoland, as belonging to the Postal Administration of the Union of South Africa.

ARTICLE 11

Arbitration

1. In case of disagreement between two or more members of the Union as to the interpretation of the Convention and Agreements, or as to the re-

sponsibility imposed upon an Administration by the application of those acts, the question in dispute is settled by arbitration. To that end, each of the Administrations concerned chooses another member of the Union which is not directly interested in the matter.

If one of the Administrations involved in the dispute does not take any action on a proposal for arbitration within a period of six months, or nine months in the case of distant countries, the International Bureau, if a request is made of it to that effect, calls upon the defaulting Administration to appoint an arbitrator, or appoints one itself officially.

2. The decision of the arbitrators is made on an absolute majority of votes.

3. In case of a tie vote, the arbitrators, for the purpose of settling the difference, choose another Administration which likewise has no interest in the dispute.

In case of disagreement as to a choice, that Administration is designated by the International Bureau from among the members of the Union not proposed by the arbitrators.

4. If it is a question of a dispute concerning one of the Agreements, only such Administrations as execute that Agreement may be designated as arbitrators.

ARTICLE 12

Withdrawal from the Union. Termination of participation in the Agreements

Any contracting party has the option of withdrawing from the Union or of ceasing to participate in the Agreements by notice given one year in advance thru diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of the contracting countries.

CHAPTER II

CONGRESSES. CONFERENCES. COMMITTEES

ARTICLE 13

Congresses

1. Delegates from the countries of the Union meet in Congress not later than five years after the effective date of the Acts of the preceding Congress, with a view to revising or completing those Acts, if necessary.

Each country is represented at the Congress by one or more plenipotentiary delegates, provided with the necessary credentials by their Government. It may, if necessary, be represented by the delegation of another country. However, it is understood that a delegation may be charged with representing only two countries, including the one by which it was originally accredited.

In the deliberations, each country has but one vote.

2. Each Congress fixes the meeting-place of the next Congress. The latter is called together by the Government of the country in which it is to be held,

in consultation with the International Bureau. That Government is likewise charged with notifying all the Governments of the countries of the Union of the decisions made by the Congress.

ARTICLE 14

Ratifications. Entry into force and duration of the Acts of Congresses

The Acts of Congresses are ratified as soon as possible, and the ratifications are communicated to the Government of the country where the Congress was held, and by that Government to the Governments of the contracting countries.

In case that one or more of the contracting countries do not ratify one or another of the Acts signed by them, the latter will nevertheless be valid for the countries which have ratified them.

Those Acts are put into effect simultaneously and have the same duration.

From the date fixed for the entry into force of the Acts adopted by a Congress, all the Acts of the preceding Congress are abrogated.

ARTICLE 15

Extraordinary Congresses

An extraordinary Congress is called together by agreement with the International Bureau when a request to that effect is made or approved by at least two-thirds of the contracting countries.

The rules laid down by Articles 13 and 14 are applicable to the delegations, the deliberations, and the Acts of extraordinary Congresses.

ARTICLE 16

Regulations for Congresses

Each Congress draws up the necessary regulations for its work and deliberations.

ARTICLE 17

Conferences

Conferences charged with the examination of purely administrative questions may be called together at the request or with the consent of at least two-thirds of the Administrations of the Union.

They are called together by agreement with the International Bureau.

Each Conference draws up its own regulations.

ARTICLE 18

Committees

Committees charged by a Congress or a Conference with the study of one or more particular questions are called together by the International Bureau,

in consultation, if necessary, with the Administration of the country where such Committees are to meet.

CHAPTER III

PROPOSITIONS IN THE INTERVAL BETWEEN MEETINGS

ARTICLE 19

Introduction of proposition

In the interval between meetings any Administration has the right to address to the other Administrations, thru the intermediary of the International Bureau, propositions concerning the Convention, its Final Protocol, and its Regulations.

The same right is accorded to the Administration of the countries participating in the Agreements in regard to those Agreements, their Regulations, and their Final Protocols.

In order to be considered, all propositions introduced by an Administration in the interval between meetings must be supported by at least two other Administrations. Such propositions are ignored when the International Bureau does not receive, at the same time, the necessary number of declarations of support.

ARTICLE 20

Examination of propositions

Every proposition is submitted to the following procedure:

A period of six months is allowed for the Administrations to examine the propositions and send in their observations, if any, to the International Bureau. Amendments are not admitted. The replies are assembled by the International Bureau and communicated to the Administrations, with an invitation to pronounce themselves for or against. Those which have not sent in their votes within a period of six months are considered as abstaining. The periods above mentioned are counted from the dates of the circulars of the International Bureau.

If the proposition concerns an Agreement, its Regulations, or their Final Protocols, only the Administrations which have adhered to that Agreement may take part in the procedure indicated above.

ARTICLE 21

Conditions of approval

1. In order to become effective, the propositions must obtain:

(a) Unanimity of votes, if it is a question of adding new provisions or modifying the provisions of Titles I and II or of Articles 33 to 37, 54 to 59, 61 to 63, 65 to 68, 70 to 82 of the Convention, of any of the Articles of its

Final Protocol, or of Articles 101, 105, 116, 161, 171 and 192 of its Regulations;

(b) Two-thirds of the votes, if it is a question of modifying provisions other than those mentioned in the preceding paragraph;

(c) A simple majority, if it is a question of interpreting the provisions of the Convention, its Final Protocol or its Regulations, except in the case of disagreement to be submitted to arbitration as provided for by Article 11.

2. The Agreements fix the conditions to which the approval of propositions concerning them is subject.

ARTICLE 22

Notification of decisions

Additions to and modifications of the Convention, the Agreements and the Final Protocols of those Acts are sanctioned by a diplomatic declaration which the Government of the Swiss Confederation is charged with making up and transmitting, at the request of the International Bureau, to the Governments of the contracting countries.

Additions to and modifications of the Regulations and their Final Protocols are drawn up and communicated to the Administrations by the International Bureau. The same applies to the interpretations contemplated in Article 21, Section 1, letter (c).

ARTICLE 23

Effective date of decisions

No addition or modification adopted is effective until at least three months after its notification.

CHAPTER IV

INTERNATIONAL BUREAU

ARTICLE 24

General functions

1. A central Office, operating at Berne under the name of *International Bureau of the Universal Postal Union*, and placed under the supervision of the Swiss Postal Administration, serves as an organ of liaison, information and consultation for the countries of the Union.

That Bureau is charged, in particular, with assembling, coordinating, publishing and distributing information of all kinds concerning the international postal service; with giving, at the request of the interested parties, an opinion on questions in dispute; with making known requests for modification of the Acts of the Congress; with giving notice of the changes

adopted; and, in general, with undertaking such studies and work in connection with editing and arranging material as the Convention, the Agreements and their Regulations may assign to it, or which may be entrusted to it in the interests of the Union.

2. It acts as a clearing-house for the settlement of accounts of all kinds relative to the international postal service, between Administrations requesting such intervention.

ARTICLE 25

Expenses of the International Bureau

1. Each Congress fixes the maximum figure for the ordinary annual expenses of the International Bureau.

Those expenses, as well as the extraordinary expenses arising from the meeting of a Congress, a Conference or a Committee, and the expenses incurred in connection with special work entrusted to that Bureau, are shared by all the countries of the Union.

2. The latter are divided, for that purpose, into 7 classes, each of which contributes to the payment of the expenses in the following proportion:

1st class,	25 units
2d "	20 "
3d "	15 "
4th "	10 "
5th "	5 "
6th "	3 "
7th "	1 unit

3. In case of a new adhesion, the Government of the Swiss Confederation determines, by mutual agreement with the Government of the country concerned, the class in which the latter is to be placed for the apportionment of the expenses of the International Bureau.

Title II

GENERAL REGULATIONS

SOLE CHAPTER

ARTICLE 26

Liberty of transit

1. Liberty of transit is guaranteed thruout the entire territory of the Union.

2. Liberty of transit for parcel post is limited to the territory of countries participating in that service.

Insured articles may be sent in transit in closed mails thru the territory of countries which do not take part in such service, or by maritime services where responsibility for insured articles is not accepted by the countries, but the

responsibility of those countries is limited to that prescribed for registered articles.

The transit of small packets thru the territory of countries which do not admit articles of that kind is optional.

ARTICLE 27

Prohibition against authorized charges

It is forbidden to collect postal charges of any kind whatever other than those prescribed by the Convention and Agreements.

ARTICLE 28

Temporary suspension of services

When, as a result of exceptional circumstances, an Administration finds itself obliged to suspend the execution of services temporarily, in whole or in part, it is bound to give notice thereof immediately, by telegraph if necessary, to the Administration or Administrations concerned.

ARTICLE 29

Monetary standard

The franc used as the monetary unit in the provisions of the Convention and Agreements is the gold franc of 100 centimes weighing 10/31 of a gram and having a fineness of 0.900.

ARTICLE 30

Equivalents

In each country of the Union, the postage rates are fixed according to equivalents corresponding as exactly as possible to the value of the franc in the money of that country.

ARTICLE 31

Forms. Language

1. The forms used by the Administrations in their reciprocal relations shall be drawn up in the French language, with or without an interlinear translation in another language, unless the Administrations concerned arrange otherwise by direct agreement.

2. The forms used by the public shall include an interlinear translation in the French language when they are not printed in that language.

3. The texts, colors and dimensions of the forms mentioned in Sections 1 and 2 shall be those prescribed by the Regulations of the Convention and of the Agreements.

4. Administrations may come to agreements as to the language to be employed for official correspondence in their reciprocal relations.

ARTICLE 32

Identity cards

1. Any Administration may issue, to persons who apply for them, identity cards valid as proof of identity for all post office business in the countries which have not given notice of their refusal to admit them.

2. The Administration issuing an identity card is authorized to collect a charge therefor not exceeding 1 franc.

3. Administrations are released from all responsibility when it is proved that a mail article was delivered or a money order paid upon presentation of a valid identity card.

Neither are they responsible for the consequences of loss, theft or fraudulent use of a valid identity card.

4. The identity card is valid for three years from the date of issue.

Title III

PROVISIONS CONCERNING POSTAL CORRESPONDENCE

CHAPTER I

GENERAL PROVISIONS

ARTICLE 33

Articles of correspondence

The term *articles of correspondence* applies to letters, single and reply-paid post cards, commercial papers, prints of all kinds including raised print for the blind, samples of merchandise, and small packets.

The service of small packets is limited to the countries which agree to execute it in their reciprocal relations or in one direction only.

ARTICLE 34

Postage rates and general conditions

1. The postage rates for the transportation of articles of correspondence thruout the entire extent of the Union, including their delivery at the residence of the addressees in countries where the delivery service is or may be established, and the limits of weight and dimensions, are fixed in accordance with the indications of the following table:

Articles	Units of weight	Rates	Limits of—	
			Weight	Dimensions
1	2	3	4	5
Letters:	g	c		{ Length, breadth, and thickness combined, 90 cm.; but greatest length, 60 cm.; in rolls: length and twice the diameter, 100 cm.; but greatest length, 80 cm.
First unit of weight....	20	25	{ 2 kg.	
Each additional unit...		15		
Post cards:				{ Maximum 15 by 10.5 cm.; minimum 10 by 7 cm.
Single.....		15		
With reply paid.....		30		
Commercial papers.....	50	5	2 kg.	
Minimum charge.....		25		
Prints.....	50	5	2 kg. (3 kg. for single volumes).	{ As for letters. Prints sent open in the form of folded or unfolded cards are subject to the same minimum limits as post cards.
Raised print for the blind..	1,000	3	5 kg.	
Samples of merchandise...	50	5	500 g.	
Minimum charge.....		10		
Small packets.....	50	10	1 kg.	
Minimum charge.....		50		

2. The limits of weight and dimensions fixed by Section 1 do not apply to the correspondence relative to the postal service mentioned in Article 49, Section 1, hereafter.

3. In relations with Administrations which have given their consent, each Administration has the option of granting to newspapers and periodicals published in its country and sent directly by the publishers or their representatives, a reduction of 50 per cent in the general rate for prints. There are excluded from this reduction, regardless of the regularity of their publication, commercial prints such as catalogs, prospectuses, price lists, etc.

Administrations may also, with the consent of the Administrations of destination, grant the same reduction, irrespective of the senders, to books and pamphlets or sheet-music which do not contain any publicity or advertising matter other than that appearing on the covers or fly-leaves of the volumes.

4. Articles other than registered letters in sealed envelopes may not contain coins, banknotes, paper money or any values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

5. The Administrations of the countries of origin and destination have the option of treating, in accordance with their domestic legislation, letters which contain documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

6. With the exceptions provided for in the Regulations, commercial papers, prints of all kinds, samples of merchandise, and small packets shall :

- (a) be made up in such a way as to be able to be easily inspected;
- (b) not bear any annotation or contain any document having the character of actual personal correspondence;
- (c) not contain any postage stamp or form of prepayment, canceled or uncanceled, or any paper representing a value.

7. Packages of samples of merchandise may not contain any article having a salable value.

8. The inclusion in a single package of articles of correspondence of different classes (grouped articles) is authorized under the conditions fixed by the Regulations.

9. With the exceptions provided for by the Convention and its Regulations, articles which do not fulfill the conditions prescribed by the present Article and the corresponding Articles of the Regulations are not forwarded.

Articles which have been wrongly accepted shall be returned to the country of origin. However, the Administration of destination is authorized to deliver them to the addressees. In such a case, it applies to them, if need be, the rates and surcharges prescribed for the class of correspondence in which they have to be placed because of their contents, weight or dimensions. As for articles exceeding the maximum weight-limits fixed by Section 1, they may be rated in accordance with their actual weight.

ARTICLE 35

Prepayment

As a general rule, all the articles designated in Article 33 must be fully prepaid by the sender.

Articles other than letters and single post cards which are unprepaid or insufficiently prepaid, or reply post cards both halves of which are not fully prepaid at the time of mailing, are not dispatched.

ARTICLE 36

Charge on unprepaid or insufficiently prepaid correspondence

With the exceptions provided for by Article 145, Sections 3, 4 and 5 of the Regulations for certain classes of redirected articles, letters and single post cards not prepaid or insufficiently prepaid are liable to a charge equal to double the amount of the missing postage, to be paid by the addressee; but that charge may not be lower than 5 centimes.

The same treatment may be applied, in the cases above contemplated, to other articles of correspondence which have been improperly dispatched to the country of destination.

ARTICLE 37

Surcharges

There may be collected, in addition to the rates fixed by Article 34, for every article transported by extraordinary services involving special expenses, a surcharge proportionate to those expenses.

When the rate of prepayment of the single post card includes the surcharge authorized by the preceding paragraph, the same rate is applicable to each half of the reply-paid post card.

ARTICLE 38

Special charges

1. The Administrations are authorized to charge late fees in accordance with the provisions of their own legislation for articles posted in their services for dispatch after the mails have closed.

2. Articles addressed to general delivery may be subjected by the Administrations of the countries of destination to such special charge as may be prescribed by their legislation for articles of the same kind in the domestic service.

3. The Administrations of the countries of destination are authorized to levy a special charge of 50 centimes at most for each small packet delivered to the addressee. That charge may be increased by 25 centimes at most in case of delivery at the addressee's residence.

ARTICLE 39

Dutiable articles

Small packets and prints liable to customs duty are admitted.

The same applies to letters and samples of merchandise containing dutiable articles when the country of destination has given its consent.

Shipments of serums and vaccines, benefiting by the exception stipulated by Article 122 of the Regulations, are admitted in all cases.

ARTICLE 40

Customs inspection

The Administration of the country of destination is authorized to submit the articles mentioned in Article 39 to customs inspection and, if necessary, to open them officially.

ARTICLE 41

Customs-clearance fee

Articles submitted to customs inspection in the country of destination may be charged on that account, by the postal service, with a customs-clearance fee of 50 centimes at most per article.

ARTICLE 42

Customs duties and other non-postal charges

The Administrations are authorized to collect from the addressees of mail articles the customs duties and all other non-postal charges which may be due.

ARTICLE 43

Prepayment of customs duty, etc.

1. In relations between countries which have come to an agreement to that effect, senders may, by means of a previous declaration at the office of mailing, assume payment of the whole of the postal and non-postal charges with which the articles are assessed on delivery.

In such a case, senders must promise to pay such amounts as may be claimed by the office of destination, and, if need be, post sufficient surety.

The Administration of destination is authorized to collect a commission fee which may not exceed 50 centimes per article. This fee is independent of the one provided for by Article 41.

2. Any Administration has the right to limit this prepayment service to registered articles.

ARTICLE 44

Cancellation of customs duty and other non-postal charges

The Administrations undertake to make representations to the interested services of their countries with a view to having the customs duties and other non-postal charges annulled on articles returned to the country of origin, destroyed because of complete deterioration of the contents, or forwarded to a third country.

ARTICLE 45

Special-delivery articles

1. Articles of correspondence are, at the request of the senders, delivered to the addressees by special messenger immediately after their arrival, in countries whose Administrations agree to undertake that service in their reciprocal relations.

2. Such articles, known as *special-delivery articles*, are liable, in addition to the regular postage, to a special fee amounting at least to double the postage on an ordinary single-rate letter, and at most to 70 centimes. This fee must be fully prepaid by the sender.

3. When the addressee's residence is situated outside the local delivery zone of the office of destination, delivery by special messenger may give rise to the collection of a supplementary charge not exceeding that collected in the domestic service.

However, special delivery is not obligatory in such cases.

4. Special-delivery articles upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means, unless they have been treated as special-delivery articles by the office of origin. In the latter case, the articles are rated in accordance with the provisions of Article 36.

5. It is permissible for Administrations to make only one attempt to deliver by special messenger. If such attempt is unsuccessful, the article may be treated as an ordinary article.

ARTICLE 46

Prohibitions

1. The sending of the articles mentioned in Column 1 of the table below is prohibited. When such articles have been wrongly accepted for mailing, they shall undergo the treatment indicated in Column 2.

Articles 1	Treatment of articles wrongly accepted 2
<p>a) Articles which, by their nature or packing, may expose postal employees to danger, or soil or damage the mails;</p> <p>b) Articles liable to customs duty (with the exceptions provided for by Article 39), as well as samples sent in quantities for the purpose of avoiding the collection of such duty;</p> <p>c) Opium, morphine, cocaine, and other narcotics;</p> <p>d) Articles whose admission or circulation is prohibited in the country of destination;</p> <p>e) Explosive, inflammable or dangerous substances;</p> <p>f) Obscene or immoral articles;</p> <p>g) Live animals, with the exception of bees, leeches, and silk worms.</p>	<p>To be treated in accordance with the domestic regulations of the Administration which discovers their presence; however, the articles mentioned under (c) are in no case either forwarded to destination, delivered to the addressees or returned to origin;</p> <p>To be destroyed on the spot by the Administration which discovers their presence;</p> <p>To be returned to the country of origin; however, if their presence is discovered only by the Administration of destination, the latter is authorized to deliver them to the addressees, under the conditions prescribed by its domestic regulations.</p>

2. In cases where articles wrongly accepted for mailing are neither returned to origin nor delivered to the addressee, the dispatching Administration shall be notified, in a precise manner, of the disposal made of such articles.

3. Moreover, the right is reserved for any country not to convey in transit in open mail over its territory articles other than letters and post cards in regard to which the legal provisions regulating the conditions of their publication or circulation in that country have not been observed.

Such articles shall be returned to the country of origin.

ARTICLE 47

Methods of prepayment

1. Prepayment of postage is effected either by means of postage stamps valid in the country of origin for the correspondence of private individuals, or by means of impressions of stamping machines officially adopted and operating under the immediate control of the Administration; or, in the case of prints, by means of impressions, printed or otherwise obtained, when such a system of indicia is authorized by the domestic regulations of the Administration of origin.

2. The following are considered as duly prepaid: Reply post cards bearing printed or adhesive postage stamps of the country of issue of such cards; articles regularly prepaid for their first transmission on which the additional postage has been paid before their redirection; as well as newspapers or packages of newspapers and periodicals whose address bears the words *Abonnements-poste* (Subscription by mail) which are sent under the Agreement concerning subscriptions to newspapers and periodicals.

ARTICLE 48

Prepayment of correspondence on board ships

Correspondence mailed on the high seas, in the box on board a vessel, or handed to postal agents on board or to the commanders of vessels, may be prepaid, barring contrary agreement between the Administrations concerned, by means of the postage stamps and according to the postage rates of the country to which the said vessel belongs or by which it is maintained. If the mailing on board takes place during the stay at one of the two terminal points of the voyage or at one of the ports of call, the prepayment is valid only if it is effected by means of the postage stamps and according to the postage rates of the country in whose waters the vessel happens to be.

ARTICLE 49

Franking privilege

1. Correspondence relating to the postal service exchanged between Postal Administrations, between those Administrations and the International Bureau, between post offices of countries of the Union, and between those offices and the Administrations, as well as that for which the franking privilege is expressly provided by the stipulations of the Convention, the Agreements and their Regulations, is exempt from all postal charges.

2. Correspondence, with the exception of C. O. D. articles, addressed to prisoners of war or mailed by them, is likewise exempt from all postal charges, not only in the countries of origin and destination but also in intermediate countries.

The same is true of correspondence concerning prisoners of war, sent or received either directly or as intermediary by the information offices which may be established on behalf of such persons in belligerent countries or in neutral countries which have received belligerents on their territory.

Belligerents received and interned in a neutral country are assimilated to prisoners of war properly so called, insofar as the application of the above provisions is concerned.

ARTICLE 50

Reply coupons

Reply coupons are placed on sale in the countries of the Union.

Their selling-price is determined by the interested Administrations, but may not be less than 35 centimes or the equivalent in money of the country selling them.

Each coupon is exchangeable in any country for a stamp or stamps representing the postage on a single-rate ordinary letter originating in that country and addressed to a foreign country.

Moreover, the right is reserved for any country to require that the reply coupons and the articles of correspondence for the prepayment of which they are to be exchanged be presented at the same time.

ARTICLE 51

Withdrawal. Change of address

1. The sender of an article of correspondence may cause it to be withdrawn from the mails or have its address changed, provided that such article has not been delivered to the addressee.

2. The request to be made to that effect is sent by mail or by telegraph at the expense of the sender, who shall pay, for every request by mail, the charge applicable to a single-rate registered letter; and, for every request by telegraph, the charge for the telegram.

If the request for withdrawal or modification of address relates to several articles mailed simultaneously at the same office by the same sender addressed to the same addressee, the sender pays, for every request by mail, the charge applicable to one single-rate registered letter; and, for every request by telegraph, the charge for the telegram containing the particulars of all the articles contemplated.

ARTICLE 52

Forwarding. Undelivered correspondence

1. In case of change of residence by the addressee, articles of correspondence are forwarded to him, unless the sender has forbidden the forwarding by a notation placed on the address side in a language known in the country of destination.

2. Correspondence which is undeliverable shall be returned immediately to the country of origin.

3. The period of retention for correspondence held at the disposal of the addressees or addressed to general delivery is fixed by the regulations of the country of destination. However, such period may not exceed two months as a general rule, except in particular cases where the Administration of destination deems it necessary to extend it to four months at most. The return to the country of origin must take place within a shorter period, if the sender has so requested by a notation placed on the address side in a language known in the country of destination.

4. Prints without value are not returned, unless the sender has requested their return by a notation placed on the article. Registered prints shall always be returned.

5. The forwarding of articles of correspondence from country to country, or their return to the country of origin, does not give rise to the collection of any additional charge, apart from the exceptions provided for by the Regulations.

6. Forwarded or returned articles of correspondence are delivered to the addressees or senders upon payment of the charges due on them on departure, on arrival, or in the course of transmission, as a result of redirection after the first transmission, without prejudice to the repayment of the customs duties or other special charges which the country of destination does not agree to cancel.

7. In case of forwarding to another country, or of non-delivery, the general-delivery fee, the customs-clearance fee, the commission fee, the additional special-delivery fee, and the special fee for the delivery of small packets to the addressees, are canceled.

ARTICLE 53

Inquiries

1. An inquiry as to the disposal made of any article may give rise to the collection of a fee of 50 centimes at most.

That fee is collected for each article, even if the inquiry relates to several articles mailed simultaneously by the same sender addressed to the same addressee.

As for registered articles, no fee is collected if the sender has already paid the special fee for a return receipt.

2. Inquiries are accepted only within the period of one year, counting from the day following that of mailing of the article.

However, every Administration is bound to comply with simple requests for information presented after that period which it receives from another Administration regarding articles mailed less than two years previously.

3. Every Administration is obliged to accept inquiries concerning articles mailed on the territory of other Administrations.

4. When an inquiry has been made necessary thru a fault of the service, the inquiry fee is returned.

CHAPTER II

REGISTERED ARTICLES

ARTICLE 54

Charges

1. The articles of correspondence designated in Article 33 may be sent under registration.

2. The postage on all registered articles must be paid in advance. It consists of:

- (a) The ordinary postage on the article, according to its class;
- (b) A fixed registration fee of 40 centimes at most.

The fixed registration fee applicable to the reply half of a post card can not be legally paid by anyone but the sender of that half.

3. A receipt shall be delivered without charge to the sender of a registered article at the time of mailing.

4. Countries disposed to undertake risks arising from *force majeure* (causes beyond control) are authorized to collect a special charge of 40 centimes at most for each registered article.

5. Unprepaid or insufficiently prepaid registered articles which have been wrongly sent to the country of destination are liable, at the expense of the addressees, to a charge equal to the amount of the missing postage.

ARTICLE 55

Return receipts

The sender of a registered article may request a return receipt by paying, at the time of mailing, a fixed charge of 40 centimes at most.

The return receipt may be requested after the mailing of the article, within the period and upon payment of the fee prescribed by Article 53 for inquiries.

ARTICLE 56

Extent of responsibility

1. With the exceptions provided for by Article 57 following, Administrations are responsible for the loss of registered articles.

The sender is entitled, on that account, to indemnity, the amount of which is fixed at 50 francs per article.

2. Administrations assume no responsibility for articles seized by the customs as a result of false declaration of their contents.

ARTICLE 57

Exceptions to the principle of responsibility

Administrations are released from all responsibility for loss of registered articles:

(a) In case of *force majeure*; however, responsibility is maintained in regard to an Administration of origin which has undertaken to cover risks of *force majeure* (Article 54, Section 4). The country responsible for the loss must decide, in accordance with its domestic legislation, whether such loss is due to circumstances constituting a case of *force majeure*;

(b) When, proof of their responsibility not having been furnished otherwise, they can not account for articles as a result of destruction of service records due to a case of *force majeure*;

(c) When it is a question of articles whose contents fall within the scope of the prohibitions laid down by Articles 34, Sections 4 and 6, letter (c), and 46, Section 1;

(d) When the sender has not made any inquiry within the period of one year contemplated by Article 53.

ARTICLE 58

Termination of responsibility

Administrations cease to be responsible for registered articles the delivery of which they have effected under the conditions prescribed by their domestic regulations for articles of the same nature.

ARTICLE 59

Payment of indemnity

The obligation of paying indemnity falls upon the Administration to which the office of origin of the article belongs, subject to its right to make a claim against the responsible Administration.

ARTICLE 60

Period for payment of indemnity

1. Payment of indemnity must take place as soon as possible, and at the latest within the period of six months, counting from the day following the date of the inquiry. That period is extended to nine months in relations with distant countries.

A dispatching Administration which does not accept risks arising from *force majeure* may, as an exception, postpone settlement for the indemnity beyond the period prescribed by the preceding paragraph when the question

of knowing whether the loss of the article was due to a case of that kind has not yet been settled.

2. The Administration of origin is authorized to settle with the sender on behalf of an Administration of intermediation or destination which, duly notified, has let three months pass without settling the matter; that period is extended to six months in relations with distant countries.

ARTICLE 61

Fixing of responsibility

1. Until the contrary is proved, responsibility for the loss of a registered article falls on the Administration which, having received the article without making any observations, and, being furnished all particulars of inquiry prescribed by the regulations, can not establish either delivery to the addressee or regular transmission to the next Administration, as the case may be.

An Administration of intermediation or destination is, until the contrary is proved, released from all responsibility:

(a) When it has observed the provisions of Article 159, Section 3, of the Regulations;

(b) When it can establish that it did not receive the inquiry until after the destruction of the service records relating to the article sought, the retention-period prescribed by Article 177 of the Regulations having expired; this reservation does not affect the rights of the claimant.

However, if the loss has taken place in the course of transmission, without its being possible to determine on the territory or in the service of what country the loss occurred, the Administrations concerned bear the loss in equal shares.

2. When a registered article has been lost under circumstances of *force majeure*, the Administration on whose territory or in whose service the loss took place is not responsible therefor to the Administration of origin unless both countries undertake risks arising from cases of *force majeure*.

3. The customs duties and other charges whose cancelation it has been impossible to obtain are charged to the Administrations responsible for the loss.

4. The Administration which has effected payment of the indemnity is subrogated up to the amount of such indemnity in the rights of the person who has received it for all eventual recourse against the addressee, the sender, or third parties.

5. In case of subsequent recovery of a registered article considered as lost, the person to whom indemnity has been paid shall be advised that he may

obtain possession of the article upon repayment of the amount of the indemnity.

ARTICLE 62

Repayment of the indemnity to the Administration of origin

1. The Administration which is responsible, or on whose behalf payment is made in accordance with Article 60, is bound to reimburse the Administration of origin, within a period of three months, counted from the sending of the notification of payment, for the amount of indemnity actually paid to the sender.

If the indemnity must be paid by several Administrations in conformity with Article 61, the whole of the indemnity due must be turned over to the Administration of origin, within the period mentioned in the preceding paragraph, by the first Administration which, having duly received the article inquired about, can not establish its regular transmission to the corresponding service. It is incumbent upon that Administration to recover from the other responsible Administrations the eventual share of each of them in the indemnity paid to the rightful claimant.

2. The reimbursement of the creditor Administration is effected without expense for that Administration by means of either a money order, a check or a draft payable at sight on the capital or a commercial city of the creditor country, or in coin current in that country.

When responsibility has been acknowledged, as well as in the case contemplated by Article 60, Section 2, the amount of indemnity may likewise be recovered from the responsible country officially thru any account, either directly or thru the intermediary of an Administration which regularly exchanges accounts with the responsible Administration.

At the expiration of the period of three months, the sum due to the Administration of origin bears interest at the rate of 5 per cent a year, counting from the date of expiration of the said period.

3. The Administration of origin may claim repayment of the indemnity from the responsible Administration only within the period of two years, counting from the date of sending the notification of the loss; or, if occasion arises, from the date of expiration of the period contemplated by Article 60, Section 2.

4. An Administration whose responsibility is duly established and which has at first declined to pay the indemnity must bear all the additional expenses resulting from the unjustified delay in making payment.

5. Administrations may agree among themselves to make periodical settlements of the indemnities which they have paid to the senders and the justness of which they have recognized.

CHAPTER III

COLLECT-ON-DELIVERY ARTICLES

ARTICLE 63

Rates and conditions. Settlement

1. Registered articles may be sent C. O. D. in relations between countries whose Administrations agree to perform such service.

2. Articles sent C. O. D. are subject to the conditions and rates applicable to registered articles. Moreover, the sender pays in advance:

(a) A fixed fee which may not exceed 50 centimes per article and a proportional fee of $\frac{1}{2}$ percent at most of the amount of the C. O. D. charge, if he desires that such amount be settled by means of a C. O. D. money order issued free of charge in his favor;

(b) A fixed fee of 25 centimes at most, if he requests settlement by means of a transfer to a current postal-check account in the country of destination of the article.

3. The method of settlement contemplated by Section 2, letter (b), is permitted only if the Administrations concerned undertake to apply such procedure for settlement. The Administration of destination turns over to the current account, by means of a domestic transfer bulletin, the amount collected from the addressee, after deducting a fixed fee of 25 centimes at most and the ordinary transfer fee applicable in its domestic service.

4. Irrespective of the method of settlement, the maximum amount of the C. O. D. charge is equal to that fixed for money orders addressed to the country of origin of the article.

5. In the absence of contrary agreement, the amount of the C. O. D. charge is expressed in money of the country of origin of the article. However, in case of transfer to a current postal-check account held in the country of destination of the article, such amount shall be indicated in money of that country.

6. Each Administration has the option of adopting, for the collection of the proportional fee contemplated by Section 2, letter (a), the scale which is most convenient for its service.

ARTICLE 64

Cancellation or reduction of the amount to be collected

The sender of a registered C. O. D. article may request total or partial cancellation of the amount to be collected.

Requests of this nature are subject to the same provisions as requests for withdrawal or change of address.

If the request for total or partial cancelation of the C. O. D. charge must be sent by telegraph, the charge for the telegram is increased by the rate applicable to a single-rate registered letter.

ARTICLE 65

Responsibility in case of loss of articles

The loss of a registered C. O. D. article involves the responsibility of the postal service under the conditions laid down by Articles 56 and 57.

ARTICLE 66

Guarantee of sums regularly collected

The sums regularly collected from the addressees, whether or not they have been converted into money orders or turned over to a current postal-check account, are guaranteed to the sender under the conditions laid down by the Agreement concerning money orders, or by the provisions governing the postal-check service.

ARTICLE 67

Indemnity in case of non-collection, insufficient or fraudulent collection of the C. O. D. charge

1. If the article has been delivered to the addressee without collecting the amount of the C. O. D. charge, the sender is entitled to indemnity, provided that inquiry has been made within the period prescribed by Article 53, Section 2, and unless the non-collection is due to fault or negligence on his part, or unless the contents of the article come under the prohibitions laid down by Articles 34, Sections 4 and 6, letter (c), and 46, Section 1.

The same applies if the sum collected from the addressee is lower than the amount of the C. O. D. charge indicated, or if the collection has been made fraudulently.

In no case may the indemnity exceed the amount to be collected on delivery.

2. The Administration which has effected payment of the indemnity is subrogated up to the amount of such indemnity in the rights of the person who has received it for all eventual recourse against the addressee, the sender, or third parties.

ARTICLE 68

Sums regularly collected. Indemnity. Payment and recourse

The obligation of paying the sums regularly collected, or the indemnity referred to in Article 67, falls upon the Administration to which the office of origin of the article belongs, subject to its right to make a claim against the responsible Administration.

ARTICLE 69

Period of payment

The provisions of Article 60 concerning the periods for payment of indemnity for the loss of a registered article are applicable to the payment of the sums collected or of the indemnity for C. O. D. articles.

ARTICLE 70

Fixing the responsibility

The payment by the dispatching Administration of the sums regularly collected, or of the indemnity provided for by Article 67, is effected on behalf of the Administration of destination. The latter is responsible, unless it can prove that the irregularity was due to the failure of the dispatching Administration to observe a provision of the regulations.

In case of fraudulent collection as a result of the loss of a C. O. D. article in the service, the responsibility of the Administrations involved is determined in accordance with the rules laid down by Article 61 for the loss of a registered article.

However, the responsibility of an intermediate Administration which does not participate in the C. O. D. service is limited to that prescribed by Articles 56 and 57 for registered articles. The other Administrations pay the amount not covered in equal shares.

ARTICLE 71

Repayment of sums advanced

The Administration of destination is bound to reimburse the Administration of origin, under the conditions prescribed by Article 62, for the sums which have been advanced on its behalf.

ARTICLE 72

C.O.D. money orders and transfer bulletins

1. The amount of a C. O. D. money order which, for any reason, has not been paid to the payee, is not repaid to the Administration of issue. It is held at the disposal of the payee by the Administration of origin of the C.O.D. article, and finally reverts to that Administration, after the expiration of the period prescribed by law.

In all other respects, and apart from the exceptions laid down by the Regulations, C. O. D. money orders are subject to the provisions of the Agreement concerning money orders.

2. When, for any reason, a transfer bulletin issued in accordance with the provisions of Article 63 can not be entered to the credit of the payee indicated by the sender of the C. O. D. article, the amount of such bulletin shall be placed, by the Administration which has cashed it, at the disposal of the Administration of origin, to be paid to the sender of the article.

If this payment can not be effected, the procedure outlined in Section 1 is followed.

ARTICLE 73

Sharing of C.O.D. charges and fees

The Administration of origin credits the Administration of destination, under the conditions fixed by the Regulations, with a fixed quota of 20 centimes per C.O.D. article, plus $\frac{1}{4}$ percent of the total amount of C.O.D. money orders paid.

CHAPTER IV

RETENTION OF POSTAGE TRANSIT CHARGES

ARTICLE 74

Retention of postage

Except in cases expressly provided for by the Convention, each Administration retains the whole of the postage which it collects.

ARTICLE 75

Transit charges

1. Articles of correspondence exchanged in closed mails between two Administrations, by means of the services of one or more other Administrations (third services), are liable, for the benefit of each of the countries traversed or whose services participate in the conveyance, to the transit charges indicated in the following table:

	Per kilogram	
	of letters and post cards	of other articles
	Fr. c.	Fr. c.
<i>1° Territorial transit:</i>		
Up to 1,000 km.....	0. 60	0. 08
From 1,000 to 2,000 km.....	0. 80	0. 12
From 2,000 to 3,000 km.....	1. 20	0. 16
From 3,000 to 6,000 km.....	2. 00	0. 24
From 6,000 to 9,000 km.....	2. 80	0. 32
Over 9,000 km.....	3. 60	0. 40
<i>2° Maritime transit:</i>		
Up to 300 nautical miles.....	0. 60	0. 08
From 300 to 1,500 nautical miles.....	1. 60	0. 20
Between Europe and North America.....	2. 40	0. 32
From 1,500 to 6,000 nautical miles.....	3. 20	0. 40
Over 6,000 nautical miles.....	4. 80	0. 60

2. The transit charges for maritime conveyance on a route not exceeding 300 nautical miles are fixed at one-third the amounts set forth in Section 1, if the Administration concerned already receives, on account of the mails transported, compensation for territorial transit.

3. In the case of maritime transit effected by two or more Administrations, the total maritime transit charges may not exceed 4 francs 80 centimes per kilogram of letters and post cards or 60 centimes per kilogram of other articles. When occasion arises, those maximum amounts are divided between the Administrations taking part in the transportation in proportion to the distances traversed.

4. Barring contrary agreement, maritime transportation effected directly between two countries by means of ships of one of them, as well as conveyance effected between two offices of one and the same country thru the intermediary of services of another country, is considered as a third service.

5. Small packets, newspapers or packages of newspapers and periodicals sent by virtue of the Agreement concerning subscriptions to newspapers and periodicals, as well as insured boxes sent by virtue of the Agreement concerning insured letters and boxes, are considered as *other articles* in regard to transit.

6. Missent dispatches are considered, in regard to the payment of transit charges, as if they had followed their normal route.

ARTICLE 76

Freedom from transit charges

The following are exempt from all territorial or maritime transit charges: The correspondence sent free of postage mentioned in Article 49; reply post cards returned to the country of origin; redirected articles; returned undeliverable articles; return receipts; money orders; and all other documents relating to the postal service, particularly correspondence relative to postal checks.

ARTICLE 77

Extraordinary services

The transit charges specified in Article 75 do not apply to transportation by means of extraordinary services specially created or maintained by one Administration at the request of one or more other Administrations. The conditions for that class of conveyance are fixed by mutual agreement between the Administrations concerned.

ARTICLE 78

Payments and accounts

1. The cost of transit is borne by the Administration of the country of origin.

2. The general accounting for such charges is effected on the basis of

statistics taken once every three years, during a period of fourteen days. That period is extended to twenty-eight days for dispatches exchanged less than six times a week thru the services of any country.

The Regulations determine the period and length of application of the statistics.

3. Any Administration is authorized to submit to a board of arbiters for consideration the results of statistics which, in its opinion, differ too greatly from reality. Such arbitration is effected in accordance with the provisions of Article 11.

The arbitrators are authorized to determine the proper amount of transit charges to be paid.

ARTICLE 79

Exchange of closed mails with warships

1. Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanding officers of naval divisions or warships of the same country stationed abroad, or between the commanding officer of one of those naval divisions or warships and the commanding officer of another division or ship of the same country, thru the intermediary of land or sea services of other countries.

2. Correspondence of all kinds comprised in such dispatches shall be exclusively addressed to or sent by the officers and crews of the ships of destination or origin of the mails; the rates and conditions of dispatch applicable to them are determined, according to its domestic regulations, by the Postal Administration of the country to which the ships belong.

3. Barring contrary agreement between the Administrations concerned, the Postal Administration dispatching or receiving the mails in question is indebted to the intermediate Administrations for transit charges calculated in accordance with the provisions of Article 75.

VARIOUS PROVISIONS

ARTICLE 80

Failure to observe liberty of transit

When a country does not observe the provisions of Article 26 concerning liberty of transit, Administrations have the right to discontinue postal service with that country. They must give advance notice of that measure by telegraph to the Administrations concerned.

ARTICLE 81

Obligations

The contracting countries undertake to adopt, or to propose to their respective legislative bodies, the necessary measures:

(a) For punishing the counterfeiting of postage stamps and international reply coupons;

(b) For punishing the fraudulent employment of international reply coupons and the fraudulent use, for the prepayment of mail articles, of counterfeit or used postage stamps, as well as of counterfeit or used impressions of stamping machines or printed indicia;

(c) For prohibiting and suppressing the fraudulent manufacture, sale, peddling or distribution of embossed or adhesive stamps in use in the postal service which are counterfeited or imitated in such a way that they might be mistaken for embossed or adhesive stamps issued by the Administration of one of the contracting countries;

(d) For punishing the fraudulent manufacture and circulation of postal identity cards, as well as the fraudulent employment of such cards;

(e) For preventing, and, if occasion arises, punishing the insertion of opium, morphine, cocaine and other narcotics in mail articles in favor of which such insertion is not expressly authorized by the Convention and Agreements.

FINAL PROVISIONS

ARTICLE 82

Effective date and duration of the Convention

The present Convention will become effective on January 1, 1935, and will remain in force for an indefinite period.

In faith of which, the plenipotentiaries of the Governments of the countries above enumerated have signed the present Convention in one copy, which will be filed in the Archives of the Government of Egypt, and a copy of which will be delivered to each party.

Done at Cairo, March 20, 1934.

For Afghanistan:

For the Union of South Africa:

For M. H. J. Lenton:

F. G. W. TAYLOR

F. G. W. TAYLOR

For Albania:

PAN. NASSE

For Germany:

K. ORTH

K. ZIEGLER

DR. W. SEEBASS

For the United States of America:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

For the whole of the insular possessions
of the United States of America
except the Philippine Islands:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

For the Philippine Islands:

FELIPE CUADERNO

For the Kingdom of Saudi Arabia:

FAWZAN EL-SABEK

For the Republic of Argentina:

R. R. TULA

For the Commonwealth of Australia:

For Archdale Parkhill:

M. B. HARRY

M. B. HARRY

- For Austria:
Dr. RUDOLPH KUHN
- For Belgium:
O. SCHOCKAERT
E. MONS
- For the Belgian Congo:
G. TONDEUR
- For Bolivia:
ERNESTO CÁCERES
For Edmundo de la Fuente:
ERNESTO CÁCERES
- For Brazil:
C. M. DE FIGUEIREDO
J. SANCHEZ PEREZ
- For Bulgaria:
IV. KATZAROFF
- For Canada:
For Arthur Sauvé:
E. J. UNDERWOOD
For H. Beaulieu:
E. J. UNDERWOOD
E. J. UNDERWOOD
- For Chile:
R. SUAREZ BARROS
- For China:
HOO CHI-TSAI
CHANG HSIN-HAI
HUANG NAI-SHU
- For the Republic of Colombia:
E. ZALDÚA P.
- For the Republic of Costa Rica:
Ad Referendum,
P. MARTINEZ T.
- For the Republic of Cuba:
ALFREDO ASSIR
- For Denmark:
C. MONDRUP
ARNE KROG
- For the Free City of Danzig:
R. STARZYŃSKI
- For the Dominican Republic:
LUIS ALEJANDRO AGUILAR
- For Egypt:
M. CHARARA
E. MAGGIAR
S. A. GHALWASH
- For Ecuador:
E. L. ANDRADE
- For Spain:
ALONSO CARO
A. RAMOS
- For the whole of the Spanish Colonies:
DEMETRIO PEREDA
- For Estonia:
G. E. F. ALBRECHT
- For Ethiopia:
ALAMOU TCH
- For Finland:
G. E. F. ALBRECHT
- For France:
M. LEBON
L. GENTHON
P. GRANDSIMON
A. CABANNE
DUSSERRE
- For Algeria:
E. HUGUENIN
- For the French colonies and protectorates of Indochina:
NICOLAS
- For the whole of the other French colonies:
J. CASSAGNAC
- For the United Kingdom of Great Britain and Northern Ireland:
G. H. WILLIAMSON
W. G. GILBERT
D. O. LUMLEY
- For Greece:
V. DENDRAMIS
J. LACHNIDAKIS
- For Guatemala:
VICTOR DURÁN M.
- For the Republic of Haiti:
- For the Republic of Honduras:
DR. TUCCIMEI
- For Hungary:
GABRIEL BARON SZALAY
CHARLES DE FORSTER
- For British India:
P. N. MUKERJI
S. C. GUPTA
MOHD. AL HASAN
- For Iraq:
DOUGLAS W. GUMBLEY
JOS. SHAUL
- For the Irish Free State:
P. S. O'H-ÉIGEARTAIGH
S. S. PUIRSÉAL
- For Iceland:
C. MONDRUP
ARNE KROG

- For Italy:
PIETRO TOSTI
GALDI MICHELE
- For the whole of the Italian colonies:
CRETY DONATO
- For Japan:
MASAO SEKI
T. HARIMA
J. KAGEYAMA
- For Chosen:
MASAO SEKI
RYUZO KAWAZURA
- For the whole of the other Japanese dependencies:
T. HARIMA
H. FUJIKAWA
- For Latvia:
DR. REINHOLD FURRER
LS ROULET
- For the States of the Levant under French Mandate (Syria and Lebanon):
CIANFARELLI
L. PERNOT
- For the Republic of Liberia:
- For Lithuania:
- For Luxemburg:
- For Morocco (excluding the Spanish Zone):
H. DUTEIL
- For Morocco (Spanish Zone):
A. RAMOS
- For Mexico:
P. MARTINEZ T.
- For Nicaragua:
VICTOR DURÁN M.
- For Norway:
KLAUS HELSING
OSKAR HOMME
- For New Zealand:
G. McNAMARA
- For the Republic of Panama:
E. ZALDÚA P.
- For Paraguay:
R. R. TULA
- For the Netherlands:
DUYNSTEE
V. GOOR
- For Curaçao and Surinam:
HOOGWEONING
- For the Netherlands Indies:
PERK
BRIL
HOOGWEONING
- For Peru:
ERNESTO CÁCERES
For Edmundo de la Fuente:
ERNESTO CÁCERES
- For Persia:
S. A. RAD
R. ARDJOMENDE
- For Poland:
R. STARZYŃSKI
- For Portugal:
A. DE Q. R. VAZ PINTO
A. C. BIANCHI
- For the Portuguese colonies of West Africa:
ERNESTO JULIO NAVARRO
- For the Portuguese colonies of East Africa, Asia and Oceania:
MARIO CORRÊA BARATA DA CRUZ
- For Rumania:
ILARIU MANEANU
CONST. STEFANESCU
- For the Republic of San Marino:
CRETY DONATO
- For the Republic of El Salvador:
- For the Territory of the Saar:
- For Siam:
- For Sweden:
ANDERS ÖRNE
GUNNAR LAGER
ARVID BILDT
- For the Swiss Confederation:
DR. REINHOLD FURRER
LS ROULET
- For Czechoslovakia:
VÁCLAV KUČERA
JOSEF RADA
- For Tunisia:
H. DUTEIL
- For Turkey:
YUSUF ARIFI
M. SAKIN
M. TEVFIK
- For the Union of Soviet Socialist Republics:
DR. EUGÈNE HIRSCHFELD
DR. S. RAPOPORT
HEL. SEREBRIAKOVA

For the Oriental Republic of Uruguay:

ARTHUR C. MASANÉS

For the Vatican City State:

MGR. GIUSEPPE MAZZOLI

For the United States of Venezuela:

LUIS ALEJANDRO AGUILAR

For Yemen:

For the Kingdom of Yugoslavia:

KOSTA ZLATANOVITCH

The delegation of the Union of South Africa declares that the acceptance by it of the present Convention comprises the Mandated Territory of South-West Africa.

Cairo, March 20, 1934.

For M. H. J. Lenton:

F. G. W. TAYLOR

F. G. W. TAYLOR

The delegation of the Commonwealth of Australia declares that the acceptance by it of the present Convention comprises the Oversea Territories and Mandated Territories enumerated below:

Lord Howe Island

Nauru

Norfolk Island

Papua

The Territory of New Guinea and the other Territories in the Pacific Ocean under Mandate of the Commonwealth of Australia

Cairo, March 20, 1934.

For Archdale Parkhill:

M. B. HARRY

M. B. HARRY

The delegation of Great Britain and Northern Ireland declares that the acceptance by it of the present Convention comprises the Colonies, Oversea Territories, Protectorates or Territories under Suzerainty or under Mandate enumerated below:

Newfoundland

Southern Rhodesia

The Territories of the South African High Commission:

(a) Bechuanaland (Protectorate)

(b) Basutoland

(c) Swaziland

Bahamas (Islands)

Barbados

Bermuda

British Guiana

British Honduras

Ceylon

Cyprus

Falkland (Islands and Dependencies)

Fiji (Islands)

Gambia (Colony and Protectorate)

Gibraltar

Gold Coast:

(a) Colony

(b) Ashanti

(c) Northern Territories

(d) Togoland under British Mandate

Hong Kong

Jamaica (including Turks, Caicos, and Cayman Islands)

Kenya (Colony and Protectorate)

Leeward Islands:

Antigua

Dominica

Montserrat

St. Christopher and Nevis

Virgin (Islands)

Malay States:

(a) Federated Malay States:

Negri Sembilan

Pahang

Perak

Selangor

(b) Non-Federated Malay States:

Johore

Kedah

Kelantan

Perlis

Trengganu

Brunei

Malta

Mauritius

Nigeria:

(a) Colony

(b) Protectorate

(c) Cameroons under British Mandate

North Borneo (State)

Northern Rhodesia

Nyasaland (Protectorate)

Palestine and Trans-Jordan

St. Helena and Ascension

Sarawak

Seychelles

Sierra Leone (Colony and Protectorate)

Somaliland (Protectorate)

Straits Settlements

Tanganyika (Territory)

Trinidad and Tobago

Uganda (Protectorate)

West Pacific Islands:

Solomon (Islands) (Protectorate)

Gilbert and Ellice (Islands) (Colony)

Tonga

Windward Islands:
 Grenada
 St. Lucia
 St. Vincent
 Zanzibar (Protectorate)
 Cairo, March 20, 1934.
 F. H. WILLIAMSON
 W. G. GILBERT
 D. O. LUMLEY

The delegation of New Zealand declares that the acceptance by it of the present Convention comprises the Mandated Territory of Western Samoa,
 Cairo, March 20, 1934.
 G. McNAMARA

FINAL PROTOCOL OF THE CONVENTION

At the moment of proceeding to sign the Universal Postal Convention concluded on the present date, the undersigned plenipotentiaries have agreed as follows:

I

Withdrawal. Change of address

The provisions of Article 51 do not apply to Great Britain, nor to the British Dominions, Colonies and Protectorates, whose domestic legislation does not permit the withdrawal or change of address of correspondence at the request of the sender.

II

Equivalents. Maximum and minimum limits

1. Each country has the option of increasing by 40 per cent, or of decreasing by 20 per cent, at most, the postage rates fixed by Article 34, Section 1, in accordance with the indications of the following table:

	Mini- mum limits	Maxi- mum limits
Letters:	<i>Centimes</i>	<i>Centimes</i>
First unit.....	20	35
Each additional unit.....	12	21
Post cards:		
Single.....	12	21
With reply paid.....	24	42
Commercial papers:		
Each 50 grams.....	4	7
Minimum charge.....	20	35
Prints: Each 50 grams.....	4	7
Raised print for the blind: Each 1,000 grams.....	2. 4	4. 2
Samples of merchandisc:		
Each 50 grams.....	4	7
Minimum charge.....	8	14
Small packets:		
Each 50 grams.....	8	14
Minimum charge.....	40	70

The rates chosen shall, as far as possible, be in the same proportion among themselves as the basic rates, each Administration having the option of rounding off its rates to suit the convenience of its monetary system.

2. It is permissible for any country to reduce the postage on single post cards to 10 centimes, and that on reply post cards to 20 centimes.

3. The rates adopted by a country are applicable to the charges to be collected upon arrival as a result of absence or insufficiency of prepayment.

III

Avoirdupois ounce

It is agreed, as an exceptional measure, that countries which, on account of their domestic legislation, can not adopt the decimal metric system of weights, have the option of substituting therefor the avoirdupois ounce (28.3465 grams), assimilating one ounce to 20 grams for letters and 2 ounces to 50 grams for commercial papers, prints, samples and small packets.

IV

Mailing of correspondence in another country

No country is bound to forward or deliver to addressees articles which any senders domiciled on its territory mail or cause to be mailed in a foreign country with a view to profiting by lower rates which are established there. The rule applies, without distinction, either to articles prepared in the country inhabited by the sender and subsequently transported across the border, or to articles prepared in a foreign country. The Administration concerned has the right either to return the articles in question to origin or to charge them with its domestic postage rates. The methods of collecting the charges are left to its discretion.

V

Reply coupons

Administrations have the option of not undertaking the sale of reply coupons.

VI

Registration fee

Countries which can not fix at 40 centimes the registration fee contemplated by Article 54, Section 2, are authorized to collect a fee which may amount to as much as 50 centimes, or their domestic registration fee if this is higher.

VII

Air services

The provisions concerning the transportation of regular mails by air are appended to the Universal Postal Convention and are considered as forming an integral part of it and its Regulations.

However, by exception to the general provisions of the Convention, the modification of those provisions may be undertaken from time to time by a Conference comprising the representatives of the Administrations directly interested.

That Conference may be called together thru the intermediary of the International Bureau, at the request of three at least of those Administrations.

All the provisions proposed by that Conference shall be submitted, thru the medium of the International Bureau, to the other countries of the Union, to be voted upon. The decision will be made on a majority of the votes cast.

VIII

Special transit charges for the Trans-Siberian and Trans-Andean routes

By exception to the provisions of Article 75, Section 1 (Table), the Postal Administration of the Union of Soviet Socialist Republics is authorized to collect transit charges for the Trans-Siberian Railway for both routes (Manchuria or Vladivostok) at the rate of 4 francs 50 centimes per kilogram of letters and post cards and 50 centimes per kilogram of other articles, for distances exceeding 6,000 kilometers.

The Administration of the Argentine Republic is authorized to collect a charge of 30 centimes in addition to the transit charges mentioned in Article 75, Section 1, Figure 1°, of the Convention, for each kilogram of correspondence of any kind carried in transit by the Argentine section of the Trans-Andean Railway.

IX

Special transit charges for the Oriental Republic of Uruguay

As an exceptional measure, the Oriental Republic of Uruguay is authorized to collect, for all oversea dispatches unloaded at Montevideo which it forwards by its own services to countries beyond, the territorial transit charges contemplated by Article 75, or 60 centimes per kilogram of letters and post cards and 8 centimes per kilogram of other articles.

X

Special warehousing charges at Aden

As an exceptional measure, the Administration of British India is authorized to collect a charge of 40 centimes per sack for sacks warehoused at Aden,

provided that the British Indian Administration does not receive any territorial or maritime transit charges for such sacks.

XI

Special charges for transshipment

As an exceptional measure, the Portuguese Administration is authorized to collect 40 centimes per sack for all mails transhipped at the port of Lisbon.

XII

Protocol left open to the countries not represented

As Afghanistan, the Republic of Haiti, the Republic of Liberia, Luxemburg, the Republic of El Salvador, the Saar Territory, Siam and Yemen, which form part of the Postal Union, were not represented at the Congress, the Protocol remains open to them in order that they may adhere to the Convention and Agreements concluded there, or merely to one or another of them.

XIII

Protocol left open to the countries represented for signatures and adhesions

The Protocol remains open to those countries whose representatives have today signed only the Convention or only a certain number of the Agreements drawn up by the Congress, for the purpose of permitting them to adhere to the other Agreements signed on this date, or to one or another of them.

XIV

Period for notification of adhesions

The adhesions contemplated in Articles XII and XIII shall be communicated by the respective Governments, thru diplomatic channels, to the Government of Egypt, and by the latter to the other States of the Union. The period which is allowed to the said Governments to make such notification will expire on January 1, 1935.

In faith of which, the undersigned plenipotentiaries have drawn up the present Protocol, which will have the same force and validity as if its provisions were included in the text itself of the Convention to which it relates, and they have signed it in one copy, which will be filed in the Archives of the Government of Egypt, and a copy of which will be delivered to each party.

Done at Cairo, March 20, 1934.

For Afghanistan:

For the Union of South Africa:

For M. H. J. Lenton:

F. G. W. TAYLOR

F. G. W. TAYLOR

For Albania:

PAN, NASSE

For Germany:

K. ORTH

K. ZIEGLER

Dr. W. SEEBASS

For the United States of America:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

- For the whole of the insular possessions
of the United States of America
except the Philippine Islands:
JOHN E. LAMIELL
For George F. Smith:
JOHN E. LAMIELL
- For the Philippine Islands:
FELIPE CUADERNO
- For the Kingdom of Saudi Arabia:
FAWZAN EL-SABEK
- For the Republic of Argentina:
R. R. TULA
- For the Commonwealth of Australia:
For Archdale Parkhill:
M. B. HARRY
M. B. HARRY
- For Austria:
Dr. RUDOLF KUHN
- For Belgium:
O. SCHOCKAERT
E. MONS
- For the Belgian Congo:
G. TONDEUR
- For Bolivia:
ERNESTO CÁCERES
For Edmundo de la Fuente:
ERNESTO CÁCERES
- For Brazil:
C. M. DE FIGUEIREDO
J. SANCHEZ PEREZ
- For Bulgaria:
IV. KATZAROFF
- For Canada:
For Arthur Sauvé:
E. J. UNDERWOOD
For H. Beaulieu:
E. J. UNDERWOOD
E. J. UNDERWOOD
- For Chile:
R. SUAREZ BARROS
- For China:
HOO CHI-TSAI
CHANG HSIN-HAI
HUANG NAI-SHU
- For the Republic of Colombia:
E. ZALDÚA P.
- For the Republic of Costa Rica:
Ad Referendum,
P. MARTINEZ T.
- For the Republic of Cuba:
ALFREDO ASSIR
- For Denmark:
C. MONDRUP
ARNE KROG
- For the Free City of Danzig:
R. STARZYŃSKI
- For the Dominican Republic:
LUIS ALEJANDRO AGUILAR
- For Egypt:
M. CHARARA
E. MAGGIAR
S. A. GHALWASH
- For Ecuador:
E. L. ANDRADE
- For Spain:
ALONSO CARO
A. RAMOS
- For the whole of the Spanish colonies:
DEMETRIO PEREDA
- For Estonia:
G. E. F. ALBRECHT
- For Ethiopia:
ALAMOU TCH
- For Finland:
G. E. F. ALBRECHT
- For France:
M. LEBON
L. GENTHON
P. GRANDSIMON
A. CABANNE
DUSSERE
- For Algeria:
E. HUGUENIN
- For the French colonies and protector-
ates of Indochina:
NICOLAS
- For the whole of the other French
colonies:
J. CASSAGNAC
- For the United Kingdom of Great
Britain and Northern Ireland:
G. H. WILLIAMSON
W. G. GILBERT
D. O. LUMLEY
- For Greece:
V. DENDRAMIS
J. LACHNIDAKIS
- For Guatemala:
VICTOR DURÁN M.
- For the Republic of Haiti:
Dr. TUCCIMEI
- For the Republic of Honduras:
Dr. TUCCIMEI

For Hungary:

GABRIEL BARON SZALAY
CHARLES DE FORSTER

For British India:

P. N. MUKERJI
S. C. GUPTA
MOHD. AL HASAN

For Iraq:

DOUGLAS W. GUMBLEY
JOS. SHAUL

For the Irish Free State:

P. S. O'H-ÉIGEARTAIGH
S. S. PUIRSÉAL

For Iceland:

C. MONDRUP
ARNE KROG

For Italy:

PIETRO TOSTI
GALDI MICHELE

For the whole of the Italian colonies:

CRETY DONATO

For Japan:

MASAO SEKI
T. HARIMA
J. KAGEYAMA

For Chosen:

MASAO SEKI
RYUZO KAWAZURA

For the whole of the other Japanese dependencies:

T. HARIMA
H. FUJIKAWA

For Latvia:

DR. REINHOLD FURRER
LS ROULET

For the States of the Levant under French Mandate (Syria and Lebanon):

CIANFARELLI
L. PERNOT

For the Republic of Liberia:

For Lithuania:

For Luxemburg:

For Morocco (excluding the Spanish Zone):

H. DUTEIL

For Morocco (Spanish Zone):

A. RAMOS

For Mexico:

P. MARTINEZ T.

For Nicaragua:

VICTOR DURÁN M.

For Norway:

KLAUS HELSING
OSKAR HOMME

For New Zealand:

G. McNAMARA

For the Republic of Panama:

E. ZALDÚA P.

For Paraguay:

R. R. TULA

For the Netherlands:

DUYNSTEE
V. GOOR

For Curaçao and Surinam:

HOOGWOONING

For the Netherlands Indies:

PERK
BRIL
HOOGWOONING

For Peru:

ERNESTO CÁCERES
For Edmundo de la Fuente:
ERNESTO CÁCERES

For Persia:

S. A. RAD
R. ARDJOMENDE

For Poland:

R. STARZYŃSKI

For Portugal:

A. DE Q. R. VAZ PINTO
A. C. BIANCHI

For the Portuguese colonies of West Africa:

ERNESTO JULIO NAVARRO

For the Portuguese colonies of East Africa, Asia and Oceania:

MARIO CORRÊA BARATA DA CRUZ

For Rumania:

ILARIU MANEANU
CONST. STEFANESCU

For the Republic of San Marino:

CRETY DONATO

For the Republic of El Salvador:

For the Territory of the Saar:

For Siam:

For Sweden:

ANDERS ÖRNE
GUNNAR LAGER
ARVID BILDT

For the Swiss Confederation:

Dr. REINHOLD FURRER

LS ROULET

For Czechoslovakia:

VÁCLAV KUČERA

JOSEF RADA

For Tunisia:

H. DUTEIL

For Turkey:

YUSUF ARIFI

M. SAKIN

M. TEVFIK

For the Union of Soviet Socialist Republics:

Dr. EUGÈNE HIRSCHFELD

Dr. S. RAPOPORT

HEL. SEREBRIAKOVA

For the Oriental Republic of Uruguay:

ARTHUR C. MASANÉS

For the Vatican City State:

MGR. GIUSEPPE MAZZOLI

For the United States of Venezuela:

LUIS ALEJANDRO AGUILAR

For Yemen:

For the Kingdom of Yugoslavia:

KOSTA ZLATANOVITCH

[For text of regulations for execution of the convention, see 49 Stat. 2802.]

PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

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PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

Articles of correspondence admitted to aerial transportation

1. There are admitted to aerial transportation, over all or part of the route, all the articles designated in Article 33 of the Convention, namely: Letters, post cards (single and with reply paid), commercial papers, prints of all kinds (including raised print for the blind), samples of merchandise, small packets, as well as money orders, collection orders, and subscriptions by mail. Such articles take, in that case, the name of *air-mail correspondence*.

2. The articles mentioned in Article 33 of the Convention may be submitted to the formality of registration and sent C. O. D.

3. Insured letters and boxes may also be transported by air in relations between countries which agree to exchange articles of that kind by that route.

ARTICLE 2

Liberty of transit

The liberty of transit provided for in Article 26 of the Convention is guaranteed to air-mail correspondence thruout the entire territory of the Union, whether or not the intermediate Administrations take part in the forwarding of the correspondence.

ARTICLE 3

Dispatch of air-mail correspondence

1. Administrations which make use of aerial communications for the transportation of their own correspondence are bound to forward by those same routes the air-mail correspondence received by them from other Administrations.

2. Administrations having no air service forward air-mail correspondence by the most rapid routes utilized by the mails.

The same applies if, for any reason, dispatch by such other means offers advantages over an existing air route.

3. If occasion arises, account is taken of the indications of routing placed on air-mail articles by the senders, provided that the routing asked for is normally utilized for the transportation of mails on the stretch concerned.

4. Closed air-mail dispatches shall be sent by the route requested by the Administration of the country of origin, provided that such route is utilized by the Administration of the transit country for the transmission of its own dispatches.

ARTICLE 4

Rates and general conditions for admission of air-mail correspondence

1. Articles to be sent by the air route are liable, in addition to the regular postage rates, to a special surcharge for aerial transportation, the amount of which shall be fixed by the Administration of the country of origin.

2. In relations considered as ordinary services (Article 12, Section 10, hereafter), that surcharge shall not exceed 15 centimes per 20 grams and per 1000 kilometers of the air route; for post cards and money orders, it is 15 centimes at most per article and per 1000 kilometers of the air route.

Uniform surcharges shall be fixed for all the territory of one country of destination, regardless of the route used.

In relations between countries of Europe, the surcharge amounts at most to 15 centimes per 20 grams regardless of the distance.

3. The surcharges for air-mail correspondence transported by extraordinary services (Article 12, Section 11, hereafter) are fixed to take account of the extraordinary expenses to which the use of those services gives rise.

4. For articles other than letters, post cards, money orders and collection orders, the surcharges collected by application of Sections 2 and 3 may be reduced to a minimum of $\frac{1}{5}$.

5. Administrations have the option of not collecting any surcharge for aerial transportation, on condition that they give information to the country of destination and that a previous agreement has been made with the transit countries.

6. The surcharges shall be prepaid at the time of mailing.

7. The surcharge for a reply post card is collected separately for each half at the place of mailing of each of those halves.

8. Air-mail correspondence is prepaid under the conditions fixed by Article 47 of the Convention. However, regardless of the nature of such correspondence, the prepayment may be represented by a handwritten notation, in figures, of the sum collected, expressed in money of the country of origin, in the following form:

“*Taxe perçue* (postage collected): Fr. c. ”

That notation may appear either in a special hand-stamped impression or on a special adhesive stamp or label, or, finally, it may be simply indicated on the address side of the article by any process whatever. In all cases, the notation shall be supported by the date stamp of the office of origin.

ARTICLE 5

Unprepaid or insufficiently prepaid air-mail correspondence

1. In case of total lack of prepayment, air-mail correspondence is treated in accordance with the provisions of Articles 35 and 36 of the Convention. Articles whose prepayment at the time of mailing is not obligatory are sent by the ordinary means.

2. In case of insufficient prepayment, air-mail correspondence is sent by the air route when the postage paid represents at least the amount of the aerial surcharge. The Administrations of origin have the option of sending such correspondence by the air route when the postage paid represents at least 25 percent of the amount of the aerial surcharge.

The provisions of Article 36 of the Convention are applicable in regard to the collection of charges not paid at the time of mailing.

3. When articles not bearing at least 25 percent of the aerial surcharge are sent by the ordinary means, the office of mailing or the exchange office shall strike out all annotations relative to the air transportation, and indicate briefly the reason for transmission by the ordinary means.

ARTICLE 6

Delivery of air-mail correspondence

1. Air-mail correspondence is delivered as rapidly as possible, and shall at least be included in the first delivery following its arrival at the office of destination.

2. Senders have the option of requesting delivery at the addressee's residence by special carrier immediately after arrival, by paying the special-delivery fee provided for by Article 45 of the Convention. That option exists only in relations between countries which have organized the special-delivery service in their reciprocal relations.

3. When the regulations of the country of destination permit it, addressees may ask the office charged with the delivery to have air-mail correspondence arriving addressed to them delivered to them upon arrival. In that case, the Administrations of destination are authorized to collect, at the time of delivery, a special fee which may not be higher than the special-delivery fee provided for by Article 45 of the Convention.

4. For additional compensation, Administrations may, after agreement, undertake delivery at the residence of the addressee by special means; for example, by the use of pneumatic tubes.

ARTICLE 7

Redirection and return of air-mail correspondence

1. Air-mail correspondence addressed to persons who have changed their residence is forwarded to the new destination by the ordinary means, unless the addressee has expressly requested redirection by air mail and has paid in advance, to the forwarding office, the aerial surcharge for the new route. Undeliverable correspondence is returned to origin by the ordinary means.

2. If redirection or return is effected by the ordinary means, the *Par avion* label and all notations relative to transmission by the air route shall be crossed out officially by means of two heavy transverse lines.

CHAPTER II

REGISTERED OR INSURED ARTICLES

ARTICLE 8

Registered articles

Registered articles are subject to the postage rates and general conditions for admission provided for by the Convention. They are also liable to the same aerial surcharges as ordinary articles.

ARTICLE 9

Responsibility

Administrations assume, in regard to registered articles sent by the air route, the same responsibility as for other registered articles.

ARTICLE 10

Insured articles

1. Administrations which accept insured articles for transportation by air mail are authorized to collect, on account of such articles, a special insurance fee, the amount of which they are to fix.

The sum of the ordinary insurance fee and the special fee shall not exceed double the limit fixed by Article 3, letter (c), of the Agreement concerning insured letters and boxes.

2. As for insured articles passing in transit in closed mails thru the territory of countries not adhering to the aforesaid Agreement, or passing in transit thru air services where the countries concerned do not accept responsibility for insured articles, the responsibility of those countries is limited to that provided for registered articles.

CHAPTER III

RETENTION OF AERIAL SURCHARGES, TRANSPORTATION CHARGES

ARTICLE 11

Retention of surcharges

Each Administration retains the whole of the aerial surcharges which it has collected.

ARTICLE 12

Aerial transportation charges for closed mails

1. The provisions of Article 75 of the Convention concerning transit charges apply to air-mail correspondence only for its eventual transmission by land or sea.

2. Every Administration which assures the transportation of air-mail correspondence by the air route, either as intermediate Administration or as Administration of destination, is entitled, on that account, to the payment of transportation charges.

As far as the Administration of destination is concerned, that payment shall be uniform for all routes traversed in its domestic service.

3. If two countries are connected by several air lines, the transportation charges are calculated in accordance with the average length of those routes and their importance for the international service. The same also applies to the payment due for transportation within the country of destination.

4. The transportation charges relative to one and the same air route are uniform for all Administrations using that service without participating in the operating costs.

5. With the exceptions provided for in Sections 6 and 7 following the aerial transportation charges are payable to the Postal Administration of the country in which the airport where the dispatches have been taken in charge by the air service is located.

6. An Administration which delivers to an air-transport enterprise mails intended for conveyance by several separate air services in succession may, if it has agreed with the intermediate Administrations, settle directly with

that enterprise for the transportation charges for the whole route. The intermediate Administrations, for their part, have the right to request the application pure and simple of the provisions of Section 5.

7. By exception to the provisions of Sections 5 and 6, every Administration maintaining an air service reserves the right to collect directly from each Administration utilizing that service the transportation charges for the whole route.

8. The air-transportation charges for air-mail correspondence sent in closed mails are chargeable to the Administration of the country of origin.

9. Barring contrary agreement between the Postal Administrations concerned, the transfer en route, in one and the same airport, of mails which employ several separate air services in succession, must be effected thru the intermediary of the Postal Administration of the country where the transshipment takes place. This rule does not apply when the transfer is made between machines performing successive sections of one and the same service.

10. The basic rate to be applied in the settlement of accounts between Administrations for aerial transportation (ordinary services) is fixed, for each kilogram of gross weight and for each kilometer, at 6 thousandths of a franc at most. That rate is applied proportionally to fractions of a kilogram.

Air-mail dispatches carried in the domestic service are subject to the same rate.

11. The transportation rate specified above does not apply to transportation effected by means of services whose creation and upkeep give rise to extraordinary expenses (extraordinary services). The transportation charges relative to those services are fixed, for each kilogram, by the Administrations to which such services belong; they are applied proportionally to fractions of a kilogram.

12. The transportation charges above mentioned are also due for correspondence exempt from transit charges, as well as for missent dispatches or mail articles, in case that they are transmitted by the air route.

13. Administrations of countries flown over have no right to any compensation or dispatches transported by air over their territory.

ARTICLE 13

Transportation charges for aerial correspondence in open mail

1. The transportation charges for airmail correspondence exchanged in open mail between two Administrations shall be calculated in accordance with the provisions of Article 12, Sections 1 to 5 and 10 to 12.

In order to determine the transportation charges, the net weight of such articles is increased by 10 per cent.

2. An Administration which delivers air-mail correspondence in transit in open mail to another Administration shall pay it the entire amount of the transportation charges calculated for all the subsequent aerial transmission.

CHAPTER IV

INTERNATIONAL BUREAU

ARTICLE 14

Communications to be addressed to the International Bureau and to the Administrations

1. The Administrations shall communicate to the International Bureau, by means of a list conforming to Model A V 1 hereto appended,⁶ the necessary information concerning the air-mail service.

2. The list contemplated in Section 1 shall be transmitted regularly twice a year, at least fifteen days before the opening of the summer and winter services. Notice of any modification shall be given without delay.

3. The International Bureau prepares, on the basis of the information contained in the forms A V 1 and the other communications which it receives, a list of general information concerning the air-mail service.

That general list, which shall conform to Model A V 1, is distributed without delay among the Administrations.

The International Bureau is also charged with making up maps indicating the lines of domestic and international air-mail communications of all countries.

4. For provisional information, a copy of the list A V 1 contemplated in Section 1 is sent directly by each Administration to all Administrations which express their desire to receive it.

5. The Administrations also communicate regularly, at least fifteen days before the beginning of each season, to all Administrations with which they are connected by air lines, the complete schedules of the air lines of their domestic and international services. In relations with other Administrations, such information is furnished only on request.

CHAPTER V

SETTLEMENTS OF ACCOUNTS

ARTICLE 15

Accounting statistics

1. The general accounting for aerial transportation charges is effected in accordance with statistical tables made up during the seven days following the 14th of June and the 14th of November of each year. The results of the June statistics form the basis for the payments due for the summer service; those of November are used for the winter service.

⁶ For postal forms annexed to the provisions for transportation of mails by air, see 49 Stat. 2953.

2. Statistics concerning services which do not operate during the regular statistical periods are made up after agreement between the Administrations concerned.

3. As a temporary measure, the Administration charged with the transportation by air has the option of requesting that the settlement of accounts be made, quarterly or semiannually, on the basis of the gross weight of the dispatches, or the net weight increased by 10 percent of the articles in open mail, actually transported during the period involved. In such a case, the provisions of Articles 17, 19 and 20 hereafter are applied to the ascertainment of weight and preparation of accounts, with the understanding that the statements A V 3 and A V 4 are to be made up monthly for all air transportation effected.

ARTICLE 16

Preparation of ordinary or aerial dispatches during the statistical periods for air-mail transportation charges

The provisions of Article 162 of the Regulations of Execution of the Convention do not apply to the semiannual statistics for the fixing of aerial transportation charges. However, during such statistical periods, the labels or addresses of dispatches containing air-mail correspondence shall bear the conspicuous notation *Statistique-avion* (air-mail statistics).

ARTICLE 17

Fixing the weight of air-mail correspondence

1. During the statistical periods, the date of dispatch and the gross weight of the mail are indicated on the label or outside address of the dispatch. The inclusion of air-mail dispatches in another dispatch of the same kind is prohibited.

2. In case that open-mail correspondence intended to be redispached by the air route is included in an ordinary or air-mail dispatch, such correspondence, made up into a special bundle labeled *Par avion* (by air mail), is accompanied by a list conforming to Model A V 2 hereto appended. The weight of the correspondence in transit in open mail is indicated separately for each country of destination. The letter bill is provided with the note *Bordereau A V 2* (List A V 2).

3. Those entries are verified by the exchange office of destination. If that office finds that the actual weight differs by more than 20 grams from the weight announced, it corrects the label or the list A V 2 and immediately reports the error to the dispatching exchange office by bulletin of verification. When it is a question of closed mails, a copy of that bulletin is addressed to each intermediate Administration. If the differences in weight detected remain within the limits above mentioned, the entries of the dispatching office are considered as valid.

ARTICLE 18

List of closed air mails

As soon as possible, and in any case within a period of fifteen days after each statistical period, the Administrations which have dispatched closed air mails send a list of such dispatches to the different Administrations whose air services they have used, including that of destination, if occasion arises.

ARTICLE 19

Account of air-transportation charges settled on the basis of statistics

1. During the statistical periods, the intermediate Administrations take note, on a form agreeing with Model A V 3 hereto appended, of the weights indicated on the labels or outside addresses of the air-mail dispatches which they have reforwarded by the air route, either in their domestic services or beyond the frontiers of their countries. A statement is made up for each exchange office of origin of air mails.

2. Administrations receiving air mails, which assure the reforwarding of the air-mail correspondence which they contain by the air route, either in their domestic services or beyond the frontiers of their countries, prepare a statement conforming to Model A V 4 hereto appended, in accordance with the entries appearing in the lists A V 2. The same procedure is followed in regard to air-mail correspondence contained in ordinary dispatches.

3. As soon as possible, and at the latest six weeks after the close of statistical operations, the forms A V 3 and A V 4 are sent to the dispatching exchange offices for acceptance. Those offices, after accepting the statements, send them in turn to their central Administration, which forwards them to the central Administration of the creditor country.

4. If the creditor Administration has not received any statement of differences within an interval of three months, counting from the date of transmittal, the statements are considered as automatically accepted. In relations between distant countries, that period is extended to four months.

ARTICLE 20

Aerial transportation account

1. The gross weights of the dispatches, and the net weights increased by 10 per cent of the articles in open mail, shown in the statements A V 3 or A V 4, are multiplied by a figure determined by the frequency of the summer and winter services; the products thus obtained serve as the basis for individual accounts showing, in francs, the transportation charges due to each Administration for the current six-month period.

2. The duty of preparing those accounts is incumbent upon the creditor Administration, which transmits them to the debtor Administration.

3. The individual accounts are made up in duplicate and transmitted as soon as possible to the debtor Administration. If the creditor Administration has not received any statement of differences within an interval of three months, counting from the date of transmittal, such accounts are considered as automatically accepted.

ARTICLE 21

General account

In the absence of contrary agreement between the Administrations concerned, the general account of air-transportation charges is made up twice a year by the International Bureau, in accordance with the rules fixed for the transit-charge account.

CHAPTER VI

VARIOUS PROVISIONS

ARTICLE 22

Designation of air-mail correspondence

Air-mail correspondence is provided, at the time of mailing, with a special blue label or imprint bearing the words *Par avion* (by air mail), with an optional translation into the language of the country of origin.

ARTICLE 23

Designation of air-mail dispatches

When the articles to be sent by the air route give rise to the formation of separate dispatches, the latter shall be made up with blue paper or by means of sacks either entirely blue or bearing wide blue stripes.

ARTICLE 24

Aerial transportation over part of the route only

When the sender desires that his correspondence be dispatched by air mail over a part of the air route only, he shall indicate that fact on the correspondence by the note, in the language of the country of origin and in French: *Par avion de* ----- *à* ----- (by air mail from ----- to -----). At the end of the aerial transmission, the *Par avion* label, as well as the special annotation, shall be crossed out officially by means of two heavy transverse lines.

ARTICLE 25

Method of dispatching air-mail correspondence

1. The provisions of Articles 154, Section 2, letter (a), and 156 of the Regulations of Execution of the Convention are applied, by analogy, to

air-mail correspondence included in ordinary dispatches. The labels of the bundles shall bear the annotation *Par avion* (by air mail).

In case of inclusion of registered air-mail articles in ordinary dispatches, the note *Par avion* shall be entered in the place prescribed by Section 2 of the aforesaid Article 156 for the note *Exprès* (special delivery).

If it is a question of insured air-mail articles included in ordinary dispatches, the note *Par avion* is entered in the *Observations* column of the insured bills, opposite the entry of each of them.

2. Air-mail articles sent in transit in open mail in an air-mail or ordinary dispatch, which are to be reforwarded by the air route by the country of destination of the dispatch, are tied in a special bundle labeled *Par avion*.

3. The transit country may request the formation of separate bundles by countries of destination. In that case, each bundle is provided with a label bearing the note: *Par avion pour* ----- (by air mail for -----).

ARTICLE 26

Annotations to be made on the letter bills, insured bills and labels of air-mail dispatches

The letter bills and insured bills accompanying air-mail dispatches shall be provided, in their headings, with the *Par avion* label. The same label is affixed to the labels or addresses of such dispatches.

ARTICLE 27

Accidental interruption of the flight of a mail plane

1. When, as the result of an accident occurring en route, a plane can not continue its trip and make delivery at the stops scheduled, the personnel on board shall deliver the dispatches to the post office nearest to the place of the accident or best qualified to reforward the mails. That office, after determining the condition of the damaged correspondence and repairing it if necessary, forwards the dispatches to the offices of destination by the most rapid routes.

2. The circumstances of the accident and the facts determined are reported by bulletin of verification to the offices of destination of the dispatches involved; a copy of the bulletin of verification is addressed to the office of origin of the dispatches.

ARTICLE 28

Customs clearance of correspondence liable to duty

The Administrations take steps to accelerate, as far as possible, the clearance of air-mail correspondence liable to customs duty.

ARTICLE 29

Application of the provisions of the Convention and Agreements

The provisions of the Convention and Agreements, as well as of their Regulations, with the exception of the Parcel-Post Agreement and its Regulations, are applicable in everything which is not expressly regulated by the foregoing Articles.

ARTICLE 30

Effective date and duration of the Provisions adopted

The present Provisions will be in force from the effective date of the Convention.

They will have the same duration as that Convention, unless they are renewed by mutual agreement among the parties concerned.

Done at Cairo, March 20, 1934.

For Afghanistan:

For the Union of South Africa:

For M. H. J. Lenton:

F. G. W. TAYLOR

F. G. W. TAYLOR

For Albania:

PAN. NASSE

For Germany:

K. ORTH

K. ZIEGLER

Dr. W. SEEBASS

For the United States of America:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

For the whole of the insular possessions
of the United States of America ex-
cept the Philippine Islands:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

For the Philippine Islands:

FELIPE CUADERNO

For the Kingdom of Saudi Arabia:

FAWZAN EL-SABEK

For the Republic of Argentina:

R. R. TULA

For the Commonwealth of Australia:

For Archdale Parkhill:

M. B. HARRY

M. B. HARRY

For Austria:

Dr. RUDOLF KUHN

For Belgium:

O. SCHOCKAERT

E. MONS

For the Belgian Congo:

G. TONDEUR

For Bolivia:

ERNESTO CÁCERES

For Edmundo de la Fuente:

ERNESTO CÁCERES

For Brazil:

C. M. DE FIGUEIREDO

J. SANCHEZ PEREZ

For Bulgaria:

IV. KATZAROFF

For Canada:

For Arthur Sauvé:

E. J. UNDERWOOD

For H. Beaulieu:

E. J. UNDERWOOD

E. J. UNDERWOOD

For Chile:

R. SUAREZ BARROS

For China:

HOO CHI-TSAI

CHANG HSIN-HAI

HUANG NAI-SIU

For the Republic of Colombia:

E. ZALDÚA P.

For the Republic of Costa Rica:

Ad Referendum,

P. MARTINEZ T.

For the Republic of Cuba:

ALFREDO ASSIR

For Denmark:

C. MONDRUP
ARNE KROG

For the Free City of Danzig:

R. STARZYŃSKI

For the Dominican Republic:

LUIS ALEJANDRO AGUILAR

For Egypt:

M. CHARARA
E. MAGGIAR
S. A. GHALWASH

For Ecuador:

E. L. ANDRADE

For Spain:

ALONSO CARO
A. RAMOS

For the whole of the Spanish colonies:

DEMETRIO PEREDA

For Estonia:

G. E. F. ALBRECHT

For Ethiopia:

ALAMOU TCH

For Finland:

G. E. F. ALBRECHT

For France:

M. LEBON
L. GENTHON
P. GRANDSIMON
A. CABANNE
DUSSERE

For Algeria:

E. HUGUENIN

For the French colonies and protectorates of Indochina:

NICOLAS

For the whole of the other French colonies:

J. CASSAGNAC

For the United Kingdom of Great Britain and Northern Ireland:

G. H. WILLIAMSON
W. G. GILBERT
D. O. LUMLEY

For Greece:

V. DENDRAMIS
J. LACHNIDAKIS

For Guatemala:

VICTOR DURÁN M.

For the Republic of Haiti:

For the Republic of Honduras:
Dr. TUCCIMEI

For Hungary:

GABRIEL BARON SZALAY
CHARLES DE FORSTER

For British India:

P. N. MUKERJI
S. C. GUPTA
MOHD. AL HASAN

For Iraq:

DOUGLAS W. GUMBLEY
JOS. SHAUL

For the Irish Free State:

P. S. O'H-ÉIGEARTAIGH
S. S. PUIRSÉAL

For Iceland:

C. MONDRUP
ARNE KROG

For Italy:

PIETRO TOSTI
GALDI MICHELE

For the whole of the Italian colonies:

CRETY DONATO

For Japan:

MASAO SEKI
T. HARIMA
J. KAGEYAMA

For Chosen:

MASAO SEKI
RYUZO KAWAZURA

For the whole of the other Japanese dependencies:

T. HARIMA
H. FUJIKAWA

For Latvia:

Dr. REINHOLD FURRER
LS ROULET

For the States of the Levant under French Mandate (Syria and Lebanon):

CIANFARELLI
L. PERNOT

For the Republic of Liberia:

For Lithuania:

For Luxemburg:

For Morocco (excluding the Spanish Zone):

H. DUTEIL

For Morocco (Spanish Zone):

A. RAMOS

For Mexico:

P. MARTINEZ T.

For Nicaragua:
VICTOR DURÁN M.

For Norway:
KLAUS HELSING
OSKAR HOMME

For New Zealand:
G. McNAMARA

For the Republic of Panama:
E. ZALDÚA P.

For Paraguay:
R. R. TULA

For the Netherlands:
DUYNSTEE
V. GOOR

For Curaçao and Surinam:
HOOGWOONING

For the Netherlands Indies:
PERK
BRIL
HOOGWOONING

For Peru:
ERNESTO CÁCERES
For Edmundo de la Fuente:
ERNESTO CÁCERES

For Persia:
S. A. RAD
R. ARDJOMENDE

For Poland:
R. STARZYŃSKI

For Portugal:
A. DE Q. R. VAZ PINTO
A. C. BIANCHI

For the Portuguese colonies of West
Africa:
ERNESTO JULIO NAVARRO

For the Portuguese colonies of East
Africa, Asia and Oceania:
MARIO CORRÊA BARATA DA CRUZ

For Rumania:
ILARIU MANEANU
CONST. STEFANESCU

For the Republic of San Marino:
CRETY DONATO

For the Republic of El Salvador:

For the Territory of the Saar:

For Siam:

For Sweden:
ANDERS ÖRNE
GUNNAR LAGER
ARVID BILDT

For the Swiss Confederation:
DR. REINHOLD FURRER
LS ROULET

For Czechoslovakia:
VÁCLAV KUČERA
JOSEF RADA

For Tunisia:
H. DUTEIL

For Turkey:
YUSUF ARIFI
M. SAKIN
M. TEVFIK

For the Union of Soviet Socialist Re-
publics:
DR. EUGÈNE HIRSCHFELD
DR. S. RAPOPORT
HEL. SEREBRIAKOVA

For the Oriental Republic of Uruguay:
ARTHUR C. MASANÉS

For the Vatican City State:
MGR. GIUSEPPE MAZZOLI

For the United States of Venezuela:
LUIS ALEJANDRO AGUILAR

For Yemen:

For the Kingdom of Yugoslavia:
KOSTA ZLATANOVITCH

FINAL PROTOCOL OF THE PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

I

Aerial transportation charges for closed mails

The Administrations of British India and the Union of Soviet Socialist Republics have the option of collecting, for each section of their domestic air systems, the transportation charges provided for in Article 12.

II

Option of reducing the weight-unit for air-mail correspondence

Administrations whose system of weights permits it have the option of adopting units of weight lower than that of 20 grams provided for in Article 4, Section 2. In that case, the surcharge is fixed in accordance with the scale of weight adopted.

III

Exceptional surcharges in favor of certain European countries

Administrations of Europe which, due to the geographic situation of their countries, find it difficult to adopt a uniform surcharge for all Europe, are authorized to collect surcharges in proportion to the distances, in accordance with the provisions of Article 4, Section 2.

That option is also granted to other European countries in their relations with the countries mentioned in the preceding paragraph.

Done at Cairo, March 20, 1934.

For Afghanistan:

For the Union of South Africa:

For M. H. J. Lenton:

F. G. W. TAYLOR

F. G. W. TAYLOR

For Albania:

PAN. NASSE

For Germany:

K. ORTH

K. ZIEGLER

Dr. W. SEEBASS

For the United States of America:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

For the whole of the insular possessions
of the United States of America
except the Philippine Islands:

JOHN E. LAMIELL

For George F. Smith:

JOHN E. LAMIELL

For the Philippine Islands:

FELIPE CUADERNO

For the Kingdom of Saudi Arabia:

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For Austria:

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For Belgium:

O. SCHOCKAERT

E. MONS

For the Belgian Congo:

G. TONDEUR

For Bolivia:

ERNESTO CÁCERES

For Edmundo de la Fuente:

ERNESTO CÁCERES

For Brazil:

C. M. DE FIGUEIREDO

J. SANCHEZ PEREZ

For Bulgaria:

IV. KATZAROFF

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E. J. UNDERWOOD

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HOO CHI-TSAI

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For the Republic of Colombia:

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Ad Referendum,

P. MARTINEZ T.

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LUIS ALEJANDRO AGUILAR

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For Ecuador:

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G. E. F. ALBRECHT

For Ethiopia:

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For Finland:

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For France:

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P. GRANDSIMON

A. CABANNE

DUSSERRE

For Algeria:

E. HUGUENIN

For the French colonies and protectorates of Indochina:

NICOLAS

For the whole of the other French colonies:

J. CASSAGNAC

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W. G. GILBERT

D. O. LUMLEY

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For Guatemala:

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For Hungary:

GABRIEL BARON SZALAY

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P. N. MUKERJI

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P. S. O'H-ÉIGEARTAIGH

S. S. PUIRSÉAL

For Iceland:

C. MONDRUP

ARNE KROG

For Italy:

PIETRO TOSTI

GALDI MICHELE

For the whole of the Italian colonies:

CRETY DOMATO

For Japan:

MASAO SEKI

T. HARIMA

J. KAGEYAMA

For Chosen:

MASAO SEKI

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For Lithuania:

For Luxemburg:

For Morocco (excluding the Spanish Zone):

H. DUTEIL

For Morocco (Spanish Zone):

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For Mexico:

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For the Republic of Panama:

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R. R. TULA

For the Netherlands:

DUYNSTEE

V. GOOR

For Curaçao and Surinam:

HOOGWOONING

For the Netherlands Indies:

PERK

BRIL

HOOGWOONING

For Peru:

ERNESTO CÁCERES

For Edmundo de la Fuente:

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A. DE Q. R. VAZ PINTO

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For the Portuguese colonies of West Africa:

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For the Republic of San Marino:

CRETY DONATO

For the Republic of El Salvador:

For the Territory of the Saar:

For Siam:

For Sweden:

ANDERS ÖRNE

GUNNAR LAGER

ARVID BILD

For the Swiss Confederation:

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For Czechoslovakia:

VÁCLAV KUČERA

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For Tunisia:

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YUSUF ARIFI

M. SAKIN

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For the Union of Soviet Socialist Republics:

Dr. EUGÈNE HIRSCHFELD

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HEL. SEREBRIAKOVA

For the Oriental Republic of Uruguay:

ARTHUR C. MASANÉS

For the Vatican City State:

MGR. GIUSEPPE MAZZOLI

For the United States of Venezuela:

LUIS ALEJANDRO AGUILAR

For Yemen:

For the Kingdom of Yugoslavia:

KOSTA ZLATANOVITCH

[For postal forms annexed to the provisions concerning transportation of regular mails by air, see 49 Stat. 2953.]

PROTECTION OF INDUSTRIAL PROPERTY

Convention signed at London June 2, 1934

Senate advice and consent to ratification June 5, 1935

Ratified by the President of the United States June 27, 1935

Ratification of the United States deposited at London July 12, 1935

Entered into force August 1, 1938

Proclaimed by the President of the United States October 28, 1938

Replaced by convention of October 31, 1958,¹ as between contracting parties to the later convention

53 Stat. 1748; Treaty Series 941

[TRANSLATION]

CONVENTION OF UNION OF PARIS OF MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY, REVISED AT BRUSSELS DECEMBER 14, 1900, AT WASHINGTON JUNE 2, 1911, AT THE HAGUE NOVEMBER 6, 1925, AND AT LONDON JUNE 2, 1934

The President of the German Reich; the President of the Republic of Austria; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Republic of Spain; the President of the United States of America; the President of the Republic of Finland; the President of the French Republic; His Majesty the King of Great Britain and Ireland and of the British Territories Beyond the Seas, Emperor of India; His Most Serene Highness the Regent of the Kingdom of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Most Serene Highness the Prince of Liechtenstein; His Majesty the Sultan of Morocco; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic (in the name of Poland and the Free City of Danzig); the President of the Portuguese Republic; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the President of the Czechoslovak Republic; His Highness the Bey of Tunisia; the President of the Turkish Republic; His Majesty the King of Yugoslavia,

¹ 13 UST 1; TIAS 4931.

Having deemed it expedient to make certain modifications and additions in the International Convention of March 20, 1883,² for the creation of an International Union for the Protection of Industrial Property, revised at Brussels on December 14, 1900,³ at Washington on June 2, 1911,⁴ and at The Hague on November 6, 1925,⁵ have appointed as their plenipotentiaries, to wit:

The President of the German Reich:

His Excellency M. Leopold von Hoesch, German Ambassador in London.

Mr. Georg Klauer, President of the Patent Office.

Mr. Wolfgang Kühnast, Geh. Justizrat, Director in the Patent Office.

Mr. Herbert Kühnemann, Landgerichtsrat in the Ministry of Justice.

The President of the Republic of Austria:

Mr. le Hofrat Dr. Hans Werner, Chief Adviser in the Patent Office.

His Majesty the King of the Belgians:

Mr. Daniel Coppieters de Gibson, attorney at the Court of Appeals of Brussels.

Mr. Thomas Braun, attorney at the Court of Appeals of Brussels.

The President of the United States of Brazil:

Mr. Julio Augusto Barboza-Carneiro, Commercial Attaché at the Brazilian Embassy in London.

The President of the Republic of Cuba:

Mr. le Dr. Gabriel Suárez Solar, Cuban Chargé d'Affaires in London.

His Majesty the King of Denmark:

Mr. N. J. Ehrenreich-Hansen, Director of the Administration of Industrial Property.

The President of the Republic of Spain:

His Excellency Don Ramón Pérez de Ayala, Ambassador of Spain in London.

Mr. Fernando Cabello Lapiedra, Director of the Office of Industrial Property.

Mr. José García Monge y de Vera, Assistant Chief and Secretary of the Register of Industrial Property.

The President of the United States of America:

The Honorable Conway P. Coe, Commissioner of Patents.

Mr. Thomas Ewing.

Mr. John A. Dienner.

² TS 379, *ante*, vol. 1, p. 80.

³ TS 411, *ante*, vol. 1, p. 296.

⁴ TS 579, *ante*, vol. 1, p. 791.

⁵ TS 834, *ante*, vol. 2, p. 524.

The President of the Republic of Finland:

Mr. Juho Fredrik Kautola, Industrial Adviser, Chief of the Patent Office at the Ministry of Commerce and Industry.

The President of the French Republic:

In the name of the French Republic:

Mr. Marcel Plaisant, senator, attorney at the Court of Appeals of Paris, Assistant Delegate for France at the League of Nations, member of the Technical Committee on Industrial Property.

Mr. Roger Cambon, Minister Plenipotentiary, Adviser of the French Embassy in London.

Mr. Georges Lainel, Director of Industrial Property in the Ministry of Commerce and Industry.

Mr. Georges Maillard, attorney at the Court of Appeals of Paris, Vice President of the Technical Committee on Industrial Property.

In the name of the States of Syria and the Lebanon:

Mr. Marcel Plaisant.

His Majesty the King of Great Britain, Ireland, and the British Territories Beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

Sir Frederick William Leith-Ross, K.C.B., K.C.M.G., Chief Economic Adviser to His Majesty's Government in the United Kingdom.

Mr. Mark Frank Lindley, LL.D., Comptroller General of Patents, Designs, and Trade Marks.

Sir William Smith Jarratt.

For the Commonwealth of Australia:

Mr. Bernhard Wallach, Commissioner of Patents, Registrar of Trade Marks, Registrar of Designs, Registrar of Copyrights.

For the Irish Free State:

Mr. John W. Dulanty, High Commissioner of the Irish Free State in London.

Mr. Edward A. Cleary, Controller of Industrial and Commercial Property.

His Most Serene Highness the Regent of the Kingdom of Hungary:

Mr. Zoltán Schilling, President of the Hungarian Royal Court of Patents.

His Majesty the King of Italy:

His Excellency Mr. Eduardo Piola Caselli, senator, President of Chamber in the Court of Cassation.

His Excellency Prof. Amedeo Giannini, senator, Minister Plenipotentiary, State Adviser.

Dr. Luigi Biamonti, Director of the Legal Office of the Confederation of Industry.

Dr. Alfredo Jannoni Sebastianini, Director of the Bureau of Intellectual Property.

His Majesty the Emperor of Japan:

His Excellency Massa-aki Hotta, Envoy Extraordinary and Minister Plenipotentiary of Japan in Prague.

Mr. Takatsugu Yoshiwara, Secretary General of the Office of Patents of Invention.

His Most Serene Highness the Prince of Liechtenstein:

Mr. Walther Kraft, Director of the Federal Bureau of Intellectual Property at Bern.

His Majesty the Sultan of Morocco:

His Excellency Viscount de Poulpiquet du Halgouët, Commercial Attaché of France in London.

The President of the United Mexican States:

Mr. Gustavo Luders de Negri, Consul General of Mexico in London.

His Majesty the King of Norway:

Mr. Birger Gabriel Wyller, Director General of the Office of Industrial Property.

Her Majesty the Queen of the Netherlands:

Dr. J. Alingh Prins, President of the Council for Patents of Invention, Director of the Office of Industrial Property at The Hague.

Dr. Ing. J. van Hettinga Tromp, attorney at the High Court at The Hague.

Dr. A. D. Koeleman, adviser at The Hague.

Dr. H. F. van Walsem, attorney at Eindhoven.

The President of the Polish Republic (in the name of Poland and the Free City of Danzig):

In the name of the Polish Republic:

Mr. Stefan Czaykowski, President of the Patent Office of the Polish Republic.

In the name of the Free City of Danzig:

Mr. Stefan Czaykowski.

The President of the Portuguese Republic:

Dr. João de Lebre e Lima, Portuguese Chargé d'Affaires in London.

Ing. Arthur de Mello Quintella Saldanha, Director of the Bureau of Industrial Property.

His Majesty the King of Sweden:

Dr. Carl Birger Lindgren, Section Chief at the Office of Patents and Registration.

Mr. Åke de Zweigbergk.

The Federal Council of the Swiss Confederation:

Mr. Walther Kraft, Director of the Federal Bureau of Intellectual Property.

The President of the Czechoslovak Republic:

Dr. Karel Skála, Adviser at the Ministry of Commerce.

Dr. Otto Parsch, Secretary at the Ministry of Commerce.

His Highness the Bey of Tunisia:

Mr. Charles Billecocq, Consul General of France in London.

The President of the Turkish Republic:

His Excellency Ali Fethi Bey, Turkish Ambassador in London.

His Majesty the King of Yugoslavia:

Dr. Janko Choumane, President of the National Office for the Protection of Industrial Property.

Who, having communicated their respective full powers, which were found to be in good and due form, have agreed upon the following provisions:

ARTICLE 1

(1) The countries to which the present convention applies constitute themselves into a Union for the Protection of Industrial Property.

(2) The scope of the protection of industrial property shall include patents, utility models, industrial designs and models, trade marks, commercial names and indications of origin, or appellations of origin, as well as the repression of unfair competition.

(3) Industrial property shall be understood in the broadest meaning and shall apply not only to industry and commerce as such, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grains, tobacco leaves, fruits, cattle, minerals, mineral waters, beers, flowers, flours.

(4) The term "patents" shall extend to the various types of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, improvement patents, patents and certificates of addition, etc.

ARTICLE 2

(1) Nationals of each of the countries of the Union shall, in all other countries of the Union, as regards the protection of industrial property, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own nationals, without any prejudice to the rights specially provided for by the present convention. Consequently they shall have the same protec-

tion as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.

(2) Nevertheless, no condition as to the possession of a domicile or establishment in the country where protection is claimed can be required of those who enjoy the benefits of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the legislation of each of the countries of the Union relative to judicial and administrative proceedings and to competent authority, as well as to the choice of domicile or the appointment of an authorized agent, which may be required by the laws on industrial property are expressly reserved.

ARTICLE 3

Nationals of countries not forming part of the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union shall be assimilated to the nationals of the countries of the Union.

ARTICLE 4

A. (1) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade mark in one of the countries of the Union, or his legal representative or assignee, shall enjoy for the purposes of registration in other countries a right of priority during the periods hereinafter stated.

(2) Any filing having the value of a formal national filing by virtue of the internal law of each country of the Union or of international treaties concluded among several countries of the Union shall be recognized as giving rise to a right of priority.

B. Consequently, subsequent filing in one of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication of the invention or the working thereof, by the sale of copies of the design or model, or by use of the trade mark, and these facts cannot give rise to any right of third parties or any personal possession. The rights acquired by third parties before the day of the first application on which priority is based shall be reserved by the internal legislation of each country of the Union.

C. (1) The above-mentioned periods of priority shall be 12 months for patents and utility models and 6 months for industrial designs and models and for trade marks.

(2) These periods shall start from the date of filing of the first application; the day of filing is not counted in this period.

(3) If the last day of the period is a legal holiday, or a day on which the Patent Office is not open to receive applications in the country where protection is claimed, the period shall be extended until the next working day.

D. (1) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine the latest date at which such declaration must be made.

(2) The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously made. The copy, certified as correct by the authority receiving this application, shall not require legal authentication, and in all cases it can be filed, without fee, at any time within the period of 3 months from the filing of the application. They may also require that the declaration later be accompanied by a certificate by the proper authority showing the date of application, and also by a translation.

(4) No other formalities may be required for the declaration of priority at the time application is filed. Each of the countries of the Union shall decide upon the consequences of the omission of the formalities prescribed by this article, but such consequences shall in no case exceed the loss of the right of priority.

(5) Further proof in support of the application may be required later.

E. (1) Where an application is filed in a country for the registration of an industrial design or model by virtue of a right of priority based on the registration of a utility model, the period of priority shall be the same as that fixed for industrial designs and models.

(2) Furthermore, it is allowable to deposit in a country a utility model by virtue of rights of priority based on a patent application, and vice versa.

F. No country of the Union can refuse an application for patent on the ground that it claims multiple priorities provided there is unity of invention in the sense of the law of the country.

G. If the examination shows that an application for patent is complex, the applicant can divide the application into a certain number of divisional applications preserving as the date of each the date of the initial application, and the benefit of the right of priority, if any.

H. Priority cannot be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims made in the application in the country of origin, provided that the application, as a whole, discloses precisely the aforesaid elements.

ARTICLE 4 *bis*

(1) Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of the patents obtained for the same invention in other countries, whether or not such countries be parties to the Union.

(2) This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and revocation and as regards their normal duration.

(3) This stipulation shall apply to all patents already existing at the time when it shall come into effect.

(4) The same stipulation shall apply, in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

(5) Patents obtained with the benefit of priority shall enjoy, in the different countries of the Union, a duration equal to that which they would have enjoyed if they had been applied for or granted without the benefit of priority.

ARTICLE 4 *ter*

The inventor shall have the right to be mentioned as such in the patent.

ARTICLE 5

A. (1) The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

(2) Nevertheless, each of the countries of the Union shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent; for example, failure to use.

(3) These measures will only provide for the revocation of the patent if the granting of compulsory licenses does not suffice to prevent these abuses.

(4) In any case the issuance of a compulsory license cannot be demanded before the expiration of 3 years beginning with the date of the granting of the patent and this license can be issued only if the patentee does not produce acceptable excuses. No action for the cancelation or revocation of a patent can be introduced before the expiration of 2 years beginning with the issuance of the first compulsory license.

(5) The preceding provisions, subject to necessary modifications, shall be applicable to utility models.

B. The protection of designs and industrial models cannot be liable to cancelation either for failure to work or for the introduction of objects corresponding to those protected.

C. (1) If in a country the use of a registered mark is compulsory, the

registration can be canceled only after a reasonable period, and if the interested party cannot justify the causes of his inaction.

(2) The use of a trade mark by the owner, in a form which differs by elements not altering the distinctive character of the mark, in the form under which it was registered in one of the countries of the Union, shall not entail invalidation of the registration, nor shall it diminish the protection accorded to the mark.

(3) The simultaneous use of the same mark on identical or similar products by industrial or commercial establishments considered as joint owners of the mark according to the provisions of the national law of the country where protection is sought shall neither prevent registration nor diminish in any way the protection accorded the said mark in any country of the Union, provided the said use does not result in inducing the public into error and is not contrary to public interest.

D. Articles shall not be required to bear any sign or mention of the patent, the utility model, or the registration of the trade mark or of the deposit of the industrial design or model for recognition of the right.

ARTICLE 5 *bis*

(1) A period of grace of at least 3 months shall be granted for the payment of charges prescribed for the maintenance of industrial property rights, subject to the payment of a surcharge, if the internal legislation so provides.

(2) For patents of invention, the countries of the Union undertake, moreover, either to prolong the extended period to 6 months at least, or to provide for the restoration of the patent which has lapsed owing to the nonpayment of fees, such provisions remaining subject to the conditions prescribed by internal legislation.

ARTICLE 5 *ter*

In each one of the countries of the Union, the following shall not be considered as infringing the rights of the patentee:

1°. The use on board ships of other countries of the Union of any article forming the subject matter of his patent in the body of the ship, in the machinery, tackle, rigging, and other accessories, when such ships shall enter temporarily or accidentally the waters of the country, provided that such article is used there exclusively for the needs of the vessel.

2°. The use of any article forming the subject matter of the patent in the construction or operation of air or land locomotive engines of the other countries of the Union, or of accessories to these engines, when the latter shall enter the country temporarily or accidentally.

ARTICLE 6

A. Every trade mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in

the other countries of the Union under the reservations indicated below. These countries can demand, before proceeding to a final registration, the production of a certificate of registration in the country of origin issued by the competent authority. No legislation shall be required for this certificate.

B. (1) Nevertheless, the following marks may be refused or canceled:

1°. Those which are of such a nature as to infringe upon rights acquired by third parties in the country where protection is applied for.

2°. Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin of the products, or time of production, or which have become customary in the current language, or in the bona fide and unquestioned usages of the trade in the country in which protection is sought. In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and in particular the length of time that such a mark has been in use.

3°. Those which are contrary to morality or public order, especially those which are of a nature to deceive the public. It is to be understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some legislative requirement concerning trade marks, except in circumstances where this requirement itself concerns public order.

(2) Trade marks cannot be refused in the other countries of the Union on the sole ground that they only differ from the marks protected in the country of origin by elements not altering the distinctive character and not affecting the identity of the marks in the form under which they have been registered in the aforesaid country of origin.

C. The following shall be deemed the country of origin:

The country of the Union where the applicant has an actual and genuine industrial or commercial establishment; and, if he has not such an establishment, the country of the Union where he has his domicile; and, if he has not a domicile in the Union, the country of his nationality in the case where he is under the jurisdiction of a country of the Union.

D. When a trade mark shall have been duly registered in the country of origin, then in one or more of the other countries of the Union, each one of these national marks shall be considered, from the date on which it shall have been registered, as independent of the mark in the country of origin, provided it conforms to the internal law of the country of importation.

E. In no case shall the renewal of the registration of a trade mark in the country of origin involve the obligation of renewal of the registration of the mark in other countries of the Union in which the mark has been registered.

F. The benefits of priority shall subsist in trade-mark applications filed in

the period allowed by article 4, even when the registration in the country of origin is completed only after the expiration of such period.

ARTICLE 6 *bis*

(1) The countries of the Union agree to refuse or to invalidate either administratively, if their legislation so permits, or at the request of an interested party, the registration of a trade mark which constitutes a reproduction, limitation, or translation, liable to create confusion with a mark considered by the competent authority of the country of registration to be well known there as being already a mark of a person entitled to the benefits of the present convention and used for identical or similar products. The same shall apply when the essential part of the mark constitutes a reproduction of a well-known mark or an imitation likely to cause confusion therewith.

(2) A period of at least 3 years must be granted in order to claim the cancelation of these marks. The period shall start from the date of registration of the mark.

(3) No period shall be established to claim the cancelation of marks registered in bad faith.

ARTICLE 6 *ter*

(1) The countries of the Union undertake to refuse or invalidate registration, and to prohibit by appropriate means the use, failing authorization from the competent authority, whether as a trade mark or as the components of such, of all coats of arms, flags, and other state emblems of countries of the Union, official control and guarantee signs and stamps adopted by them, and any imitation thereof from an heraldic point of view.

(2) The prohibition of official control and guarantee signs and stamps shall apply only in cases where marks which comprise them are intended to be used on merchandise of the same or a similar nature.

(3) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau of Bern, the list of state emblems and official control and guarantee signs and stamps which they desire, or will desire, to place, wholly or with certain reservations, under the protection of the present article, as well as any subsequent modifications added to the list. Each country of the Union shall place the communicated list at the disposal of the public in due course.

(4) Each country of the Union may, within a period of 12 months from the receipt of the notification, and through the intermediary of the International Bureau of Bern, transmit its possible objections to any other country concerned.

(5) For state emblems which are well known, the provisions of paragraph 1 shall be applicable only to marks registered after November 6, 1925.

(6) For state emblems which are not well known, and for official signs and stamps, these provisions shall be applicable only to marks registered more than 2 months after the receipt of the notification contemplated in paragraph 3.

(7) In case of bad faith, the countries shall have the right to cancel even the marks registered before November 6, 1925, and embodying state emblems, signs, and stamps.

(8) Nationals of each country who are authorized to make use of state emblems, and signs and stamps of their country, may use them even if there be a similarity with those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of state coats of arms of other countries of the Union, when such use is liable to cause confusion as to the origin of the product.

(10) The preceding provisions shall not prevent the countries from exercising the right to refuse or to invalidate, by application of item 3°, paragraph (1), letter B, of article 6, marks including, without authorization, coats of arms, flags, decorations, and other state emblems or official signs and stamps adopted by a country of the Union.

ARTICLE 6 *quater*

(1) When in accordance with the laws of a country of the Union the assignment of a mark is valid only if it takes place at the same time as the transfer of the enterprise or business and goodwill to which the mark belongs, it will suffice, for the admission of the validity of such transfer, that the part of the enterprise or business and goodwill which is located in this country be transferred to the assignee with the exclusive right therein to manufacture or sell products under the mark which has been assigned.

(2) This provision shall not impose upon the countries of the Union the obligation of considering as valid the transfer of any mark whose use by the assignee would, in fact, be of such a nature as to deceive the public, especially as regards the place of origin, the nature, or the material qualities of the products to which the mark is applied.

ARTICLE 7

The nature of the goods on which the trade mark is to be used can in no case form an obstacle to the registration of the trade mark.

ARTICLE 7 *bis*

(1) The countries of the Union undertake to allow the filing of and to protect collective marks belonging to associations, the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge as to the particular conditions under which a collective mark shall be protected, and it can refuse protection if this mark is contrary to public interest.

(3) However, the protection of these marks cannot be refused to any association whose existence is not contrary to the law of the country of origin, on the ground that it is not established in the country where protection is sought, or that it is not organized in conformity with the law of that country.

ARTICLE 8

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trade mark.

ARTICLE 9

(1) All goods illegally bearing a trade mark or trade name shall be seized at importation into those countries of the Union where this mark or name has a right to legal protection.

(2) Seizure shall likewise be effected in the country where the mark or name was illegally applied, or in the country into which the article bearing it has been imported.

(3) The seizure shall take place at the request either of the proper government department or of any other competent authority, or of any interested party, whether an actual or a legal person, in conformity with the domestic laws of each country.

(4) The authorities shall not be bound to effect the seizure in transit.

(5) If the law of a country does not permit seizure at importation, such seizure shall be replaced by prohibition to import or by seizure within such country.

(6) If the law of any country permits neither seizure at importation, nor prohibition to import, nor seizure within the country, and until such time as this law shall be accordingly modified, these measures shall be replaced by the remedies assured to nationals, in such cases, by the law of such country.

ARTICLE 10

(1) The stipulations of the preceding article shall be applicable to every product which may falsely bear as indication of origin, the name of a specified locality or country when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

(2) Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods and established either in the locality falsely designated as the place of origin, or in the district in which the locality is situated, or in the country falsely designated, or in the country where the false indication of origin is used, shall be deemed in all cases a party concerned, whether such person be actual or legal.

ARTICLE 10 *bis*

(1) The countries of the Union are bound to assure to nationals of countries of the Union an effective protection against unfair competition.

(2) Any act of competition contrary to honest practice in industrial or commercial matters constitutes an act of unfair competition.

(3) The following particularly are to be forbidden:

1°. All acts whatsoever of a nature to create confusion in any way whatsoever with the establishment, the goods, or the services of the competitor;

2°. False allegations in the conduct of trade of a nature to discredit the establishment, the goods, or the services of a competitor.

ARTICLE 10 *ter*

(1) The countries of the Union undertake to assure to the nationals of other countries of the Union appropriate legal remedies to repress effectively all acts set forth in articles 9, 10, and 10 *bis*.

(2) They undertake, moreover, to provide measures to permit syndicates and associations representing the manufacturers, producers, or merchants interested, and of which the existence is not contrary to the laws of their country, to take action in justice or before the administrative authorities, with a view to the repression of the acts set forth in articles 9, 10, and 10 *bis*, so far as the law of the country in which protection is claimed permits such action to the syndicates and associations of that country.

ARTICLE 11

(1) The countries of the Union shall, in conformity with their own national legislation, accord temporary protection to patentable inventions, to utility models, and to industrial designs or models, as well as to trade marks in respect of products which shall be exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

(2) This temporary protection shall not prolong the periods provided by article 4. If later the right of priority is invoked, the competent authority of each country may date the period from the date of the introduction of the product into the exhibition.

(3) Each country may require, as proof of the identity of the object exhibited and of the date of introduction, such proofs as it may consider necessary.

ARTICLE 12

(1) Each one of the countries of the Union undertakes to establish a special government service for industrial property, and a central office for communication to the public of patents, utility models, industrial designs, or models and trade marks.

(2) This service shall publish an official periodical paper. It shall publish regularly—

(a) The names of the owners of the patents granted with a short designation of the patented inventions;

(b) Reproductions of the marks which have been registered.

ARTICLE 13

(1) The international office, established at Bern under the name of International Bureau for the Protection of Industrial Property, is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organization and supervise its working.

(2) The official language of the International Bureau shall be French.

(3) The International Bureau shall centralize information of every kind relating to the protection of industrial property; it shall collect and publish such information. It shall make a study of all matters of common utility to the Union and shall prepare, with the help of documents supplied to it by the various administrations, a periodical paper in the French language, dealing with questions regarding the purpose of the Union.

(4) The numbers of this paper, as well as the documents published by the International Bureau, are circulated among the administrations of the countries of the Union in proportion to the number of contributing units as mentioned below. Such further copies as may be ordered, either by said administrations or by companies or private persons, shall be paid for separately.

(5) The International Bureau shall, at all times, hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. The Director of the International Bureau will furnish an annual report on management which shall be communicated to all the members of the Union.

(6) The ordinary expenses of the International Bureau will be borne by the countries of the Union in common. Until further instructions, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, in cases of necessity, by a unanimous decision of one of the conferences provided for by article 14.

(7) The ordinary expenses shall not include the costs relating to the work of plenipotentiary or administrative conferences nor the costs brought about by special work or by publications made in conformity with the decisions of a conference. These costs, of which the annual amount cannot exceed 20,000 Swiss francs, shall be apportioned among the countries of the Union in proportion to their contribution for the working of the International Bureau in accordance with the provisions of paragraph (8) hereinafter.

(8) To determine the part which each country should contribute to this total of expenses, the countries of the Union and those which may afterwards join the Union shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

	<i>Units</i>
First class.....	25
Second class.....	20
Third class.....	15
Fourth class.....	10
Fifth class.....	5
Sixth class.....	3

These coefficients shall be multiplied by the number of countries in each class, and the sum of the results thus obtained shall give the number of units by which the total expense must be divided. The quotient shall give the amount of the unit of expense.

(9) Each one of the countries of the Union will designate, at the time of its accession, the class in which it wishes to be placed. However, each country of the Union may state later that it wishes to be placed in another class.

(10) The Government of the Swiss Confederation shall superintend the expenses of the International Bureau, advance the necessary funds, and render an annual account which shall be communicated to all the other administrations.

ARTICLE 14

(1) The present convention shall be submitted to periodical revisions with a view to the introduction therein of amendments calculated to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the contracting countries between the delegates of the said countries.

(3) The administration of the country in which the conference is to be held shall prepare for the work of that conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and shall take part in the discussions, but without the privilege of voting.

ARTICLE 15

It is agreed that the countries of the Union respectively reserve to themselves the right to make separately as between themselves special arrangements for the protection of industrial property insofar as such arrangements do not contravene the provisions of the present convention.

ARTICLE 16

(1) The countries which have not taken part in the present convention shall be permitted to adhere to it upon their request.

(2) Such adherence shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the other Governments.

(3) It shall entail, as a matter of right, accession to all the classes, as well as admission to all the advantages stipulated in the present convention, and shall take effect 1 month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated in the request for adherence.

ARTICLE 16 *bis*

(1) Each one of the countries of the Union may, at any time, notify the Government of the Swiss Confederation, in writing, that the present con-

vention shall be applicable to all or a part of its colonies, protectorates, territories under mandate or all other territories subject to its authority, or all territories under sovereignty, and the convention shall apply to all territories specified in the notification 1 month after the sending of the communication by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated in the notification. In the absence of this notification, the convention shall not apply to these territories.

(2) Each one of the countries of the Union may, at any time, notify the Government of the Swiss Confederation, in writing, that the present convention has ceased to be applicable to all or a part of the territories which have been made the object of the notification provided for in the preceding paragraph, and the convention shall cease to apply in the territories designated in this notification 12 months after receipt of the notification addressed to the Government of the Swiss Confederation.

(3) All notifications sent to the Government of the Swiss Confederation, in conformity with the provisions of paragraphs 1 and 2 of the present article, shall be communicated by this Government to all the countries of the Union.

ARTICLE 17

The execution of the reciprocal engagements contained in the present convention shall be subordinated, insofar as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the countries of the Union which are bound to enforce the same, which they undertake to do with as little delay as possible.

ARTICLE 17 *bis*

(1) The convention shall remain in force for an unlimited time, until the expiration of 1 year from the date of its denunciation.

(2) This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only for the country in whose name it shall have been made, the convention remaining in operation as regards the other countries of the Union.

ARTICLE 18

(1) The present act shall be ratified and the instruments of ratification shall be deposited in London not later than the 1st of July 1938. It shall come into force, between the countries in whose names it shall have been ratified, 1 month after such date. However, if before July 1, 1938, it is ratified in the name of at least six countries, it shall come into force between those countries 1 month after the Government of the Swiss Confederation has notified them of the deposit of the sixth ratification, and for the countries in whose names it shall have been ratified thereafter, 1 month after the notification of each of these ratifications.

(2) The countries in whose names no instruments of ratification shall have been deposited within the period of time contemplated in the preceding paragraph shall be permitted to adhere under the terms of article 16.

(3) The present act shall replace, as regards relations between the countries to which it applies, the Convention of the Union of Paris of 1883 and the subsequent acts of revision.

(4) As regards the countries to which the present act does not apply, but to which the Convention of the Union of Paris, as revised at The Hague in 1925, does apply, the latter shall remain in force.

(5) Likewise, as regards the countries to which neither the present act nor the Convention of the Union of Paris, as revised at The Hague, applies, the Convention of the Union of Paris as revised in Washington in 1911 shall remain in force.

ARTICLE 19

The present act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. A certified copy shall be forwarded by the latter to each of the governments of the countries of the Union.

Done at London in a single copy, on June 2, 1934.

For Germany:

HOESCH
GEORG KLAUER
WOLFGANG KÜHNAST
HERBERT KÜHNEMANN

For Austria:

DR. HANS WERNER

For Belgium:

COPPIETERS DE GIBSON
THOMAS BRAUN

For the United States of Brazil:

J. A. BARBOZA-CARNEIRO

For Cuba:

GABRIEL SUÁREZ SOLAR

For Denmark:

N. J. EHRENREICH-HANSEN

For the Free City of Danzig:

For Spain:

RAMÓN PÉREZ DE AYALA
FERNANDO CABELLO LAPIEDRA
JOSÉ GARCÍA MONGE

For the United States of America:

CONWAY P. COE
JOHN A. DIENNER
THOMAS EWING

For Finland:

J. KAUTOLA

For France:

MARCEL PLAISANT
ROGER CAMBON
GEORGES LAINEL
GEORGES MAILLARD

For Great Britain and Northern Ireland:

F. W. LEITH-ROSS
M. F. LINDLEY
WILLIAM S. JARRATT

For Australia:

B. WALLACH

For the Irish Free State:

For Hungary:
SCHILLING ZOLTÁN

For Italy:

EDUARDO PIOLA CASELLI
LUIGI BÌAMONTI
ALFREDO JANNONI SEBASTIANINI

For Japan:

M. HOTTA
TAKATSUGU YOSHIWARA

For Liechtenstein:

W. KRAFT

For Morocco:

HALGOUËT

For the United Mexican States:

G. LUDERS DE NEGRI

For Norway:

B. G. WYLLER

For the Netherlands:

J. ALINGH PRINS

J. VAN HETTINGA TROMP

A. D. KOELEMAN

H. F. VAN WALSEM

For Poland:

STEFAN CZAYKOWSKI

For Portugal:

JOÃO DE LEBRE E LIMA

ARTHUR DE MELLO QUINTELLA

SALDANHA

For Sweden:

BIRGER LINDGREN

ÅKE DE ZWEIFBERGK

For Syria and the Lebanon.

MARCEL PLAISANT

For Switzerland:

W. KRAFT

For Czechoslovakia:

DR. KAREL SKÁLA

DR. OTTO PARSCH

For Tunis:

C. BILLECOCQ

For Turkey:

A. FETHI

For Yugoslavia:

DR. JANKO CHOUMANE (ŠUMAN)

STATISTICS OF CAUSES OF DEATH

*Agreement and protocol of signature signed at London June 19, 1934,
with annex*

Entered into force June 19, 1934

*Minimum nomenclature modified by protocol of October 6, 1938*¹

*Agreement replaced by World Health Organization Regulations No. 1
of July 24, 1948, as amended, which were subsequently replaced by
WHO Nomenclature Regulations, 1967,² as between states bound
by the regulations*

49 Stat. 3785; Executive Agreement Series 80

AGREEMENT

THE Governments of the Union of South Africa, the German Reich, the Commonwealth of Australia, the Federal State of Austria, Canada, the Republic of Chile, His Majesty the King of Egypt, the Spanish Republic, the Irish Free State, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Hellenic Republic, the Kingdom of Hungary, His Majesty the King of Italy, the Republic of Latvia, the United States of Mexico, Her Majesty the Queen of the Netherlands, New Zealand, the Republic of Panamá, the Republic of Paraguay, His Majesty the Shah of Persia, the Republic of Poland, the Czechoslovak Republic and the United States of Venezuela, recognising the importance of ensuring as far as possible the uniformity and comparability of statistics of causes of death, the undersigned Plenipotentiaries, being duly authorised thereto, have agreed upon the following provisions:

ARTICLE 1

Without prejudice to the provisions of the protocol of signature annexed hereto, the present agreement applies to the metropolitan territories of the Contracting Governments, and to any other territories to which it may have been extended under article 8.

ARTICLE 2

1. Statistics of causes of death shall be compiled and published according to one uniform nomenclature, hereinafter referred to as the "minimum no-

¹ EAS 173, *post*, p. 525.

² 7 UST 79, 11 UST 61, 18 UST 3003; TIAS 3482, 4409, 6393.

menclature." These statistics shall either follow strictly the minimum nomenclature, or if they are given in greater detail, be so arranged that by suitable grouping they can be reduced to the minimum nomenclature, each serial number of these more detailed statistics showing after it in brackets the corresponding serial number in the minimum nomenclature.

2. The Contracting Governments agree to adopt as the first minimum nomenclature the "intermediate nomenclature" recommended at Paris on the 19th October, 1929,³ by the International Commission for the Decennial Revision of the International Nomenclature of Diseases.

ARTICLE 3

Each Contracting Government undertakes to compile statistics of causes of death in accordance with the conditions laid down in article 2 from the 1st January following the date of its signature of or accession to the present agreement.

ARTICLE 4

1. Modifications may, in accordance with the conditions laid down in this article, be made in the minimum nomenclature to take effect from the 1st January, 1940, or the 1st January in any subsequent tenth year (hereinafter called "revision dates"), but not otherwise.

2. For the purpose of revising the minimum nomenclature the Contracting Governments agree to take fully into account the reports of any International Commission which may be convened in the same manner and with the same objects as the International Commission of 1929 for the Decennial Revision of the International Nomenclature of Diseases.

3. In order to facilitate the operation of the preceding paragraph the French Government shall, at the end of each session of the International Commission, call a conference of the delegations who have represented on that Commission the Governments which are parties to the present agreement. This conference shall consider the resolutions of the Commission.

4. Each Contracting Government shall have the right to demand the revision of the minimum nomenclature in force. The request shall be addressed to the French Government, which will thereupon convene a conference of the Contracting Governments to consider the recommendations and to draft the modifications.

5. Modifications of the minimum nomenclature which have been adopted at least one clear year before the next ensuing revision date at a conference convened under the preceding paragraph by a majority of not less than four-fifths of the delegates of the Contracting Governments shall take effect as from such revision date. In respect of each Contracting Government the minimum nomenclature thus modified shall replace the minimum nomenclature.

³ See annex, p. 249.

ture hitherto in force in accordance with the provisions of the agreement as from the revision date, or, if the Contracting Government so decides, as from the 1st January next following the revision date.

ARTICLE 5

Contracting Governments wishing to secure the compilation of statistics in greater detail than those given in the minimum nomenclature may enter into a mutual agreement in order to increase as far as possible the comparability of statistics, provided that such an agreement shall not infringe the provisions of article 2 of the present agreement.

ARTICLE 6

1. The present agreement shall bear this day's date, and shall come into force immediately.

2. The Government of any country on whose behalf the present agreement has not been signed may accede thereto at any time by means of a notification in writing addressed through the diplomatic channel to the Government of the United Kingdom of Great Britain and Northern Ireland, and every accession shall take effect as from the date of the receipt of the notification thereof.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall notify all the other Contracting Governments of each notification of accession received.

ARTICLE 7

The present agreement may be denounced by a notification in writing addressed through the diplomatic channel to the Government of the United Kingdom of Great Britain and Northern Ireland at any time within six months from the date of the final meeting of any of the conferences referred to in article 4. Each denunciation shall take effect as from the date of the receipt of the notification thereof. The Government of the United Kingdom shall communicate to the other Contracting Governments copies of all notifications of denunciation received.

ARTICLE 8

1. Any Contracting Government may, at the time of signature or accession or thereafter, by a declaration in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that the present agreement should apply to all or any of its colonies, oversea territories, protectorates, or territories under suzerainty or mandate, and the present agreement shall apply to all the territories mentioned in such declaration as from the date of the receipt thereof.

2. Any Contracting Government may, at any time within six months

from the date of the final meeting of any of the conferences referred to in article 4, express its desire by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland that the present agreement shall cease to apply to all or any of its colonies, overseas territories, protectorates, or territories under suzerainty or mandate, to which the agreement shall have been applied under the preceding paragraph, and in such case the present agreement shall cease to apply, as from the date of the receipt of the notification, to all the territories mentioned therein.

3. The Government of the United Kingdom shall inform the other Contracting Governments of all declarations or notifications received under the preceding paragraphs of this article.

In faith thereof the undersigned Plenipotentiaries have signed the present agreement.

Done at London this nineteenth day of June, 1934, in English and French texts, both being equally authentic.

For the Government of the Union of
South Africa: ⁴

C. T. TE WATER

For the Government of the German
Reich:

HOESCH

For the Government of the Common-
wealth of Australia:

C. M. BRUCE

For the Government of the Federal State
of Austria:

For the Government of Canada:

G. H. FERGUSON

For the Government of the Republic of
Chile:

J. E. TOCORNAL

For the Government of His Majesty the
King of Egypt:

A. W. DAWOOD

For the Government of the Spanish
Republic: ⁴

RAMÓN PÉREZ DE AYALA

For the Government of the Irish Free
State:

J. W. DULANTY

For the Government of the United States
of America:

ROBERT W. BINGHAM

For the Government of the United King-
dom of Great Britain and Northern
Ireland: ⁴

JOHN SIMON

For the Government of the Hellenic
Republic:

D. CACLAMANOS

For the Government of the Kingdom of
Hungary:

SZECHENYI

⁴ By a note of July 5, 1934, the British Secretary of State for Foreign Affairs, informed the American Ambassador at London as follows:

" . . . In accordance with the provisions of the second [third] paragraph of Article 8 of the Agreement I have the honour to inform Your Excellency that the following declarations under the first paragraph of that Article were received by His Majesty's Government in the United Kingdom on the date of signature:

"The Government of the United Kingdom of Great Britain and Northern Ireland: applying the Agreement to Newfoundland and Southern Rhodesia:

"The Government of the Union of South Africa: applying the Agreement to the Mandated Territory of South-West Africa with the exception of Native Areas:

"The Government of the Spanish Republic: applying the Agreement to the Spanish Zone of the Protectorate in Morocco and to the Spanish Colonies, subject, as regards the latter, to the reservations indicated in paragraphs 1 and 2 of the Protocol of Signature."

For the Government of His Majesty the
King of Italy:

DINO GRANDI

For the Government of the Republic of
Latvia:

CH. ZARINE

For the Government of the United States
of Mexico:

J. SÁNCHEZ MEJORADA

For the Government of Her Majesty the
Queen of the Netherlands:

R. DE MAREES VAN SWINDEREN

For the Government of New Zealand:

C. J. PARR

For the Government of the Republic of
Panama:

For the Government of the Republic of
Paraguay:

R. ESPINOZA

For the Government of His Majesty the
Shah of Persia:

M. K. SCHAYESTEH

For the Government of the Republic of
Poland:

SKIRMUNT

For the Government of the Czechoslovak
Republic:

JAN MASARYK

For the Government of the United States
of Venezuela:

DIÓGENES ESCALANTE

PROTOCOL OF SIGNATURE

At the moment of signing the agreement of this day's date on statistics of causes of death, the undersigned Plenipotentiaries, being duly authorised thereto, declare that they have agreed as follows:

1. The under-mentioned Contracting Governments, who are not in a position to compile and publish central statistics for the whole of their metropolitan territory, hereby limit their acceptance of the obligations of the said agreement to the following portions of their metropolitan territory:

The Government of the Union of South Africa—

(a) Urban areas;

(b) Non-urban areas to which Act No. 17 of 1923 applies.

The Government of His Majesty the King of Egypt—

LOCALITIES

(Health Inspectorates)

Governorates

Cairo—

Abdin

Bab-el-Sha'riya

Būlaq

El Darb-el-Ahmar

El Ezbekiya

El Gamāliya

Helwan

El Khalifa

El Musky

Old Cairo

El Saiyeda-Zeinab

Shubra

El Wayli—

El Abbasiya

Heliopolis

El Zaytūn

Alexandria—

El Attarin

El Gumruk

Karmūs

El Labban

El Manshiya

Mina-el-Basal

El Hadra

Muharram Bey

El Raml

Canal—

Ismailia (town)

Port Fouad

Port Said (town)

Damietta

Suez

Lower Egypt

Beheira Province—
 Abu El Matâmîr-el-Qibliya
 Abu Hummus
 Damanhûr (chief town)
 El Dilingât
 Ezab Difshu
 Ityâi-el-Bârûd
 Kafr Dâwûd
 Kafr-el-Dauwâr
 Kôm Hamâda
 El Mahmûdiya
 El Montazah
 Rosetta
 Shubrâkhît

Daqahliya Province—
 Aga
 Dikrnis
 Fâriskûr
 El Kurdi
 Mahallet Anshaq
 El Mansûra (chief town)
 El Manzala
 El Matariya
 Mit Abu Khâlid
 Mit-el-'Amil
 Mit Ghamr
 El Simbillâwein
 Timai-el-Amdid

Gharbiya Province—
 Abu Mandûr
 Baltim
 Basyûn
 Bilqâs
 Disûq
 Fuwa
 Kafr-el-Sheikh
 Kafr-el-Zaiyât
 El Mahalla-el-Kubra
 Motobus
 Qallin
 Qutûr
 Samannûd
 El Santa
 Shirbîn
 Talkha
 Tanta (chief town)
 Zifta

Minufiya Province—
 Ashmûn
 El Bâgûr
 El Batanoun
 Istanha
 Kafr Rabi'
 Minûf
 Shatânûf
 Shibin-el-Kom (chief town)
 El Shuhada and Sirsina
 Tala

Qalyublya Province—
 El' Amâr-el-Kubra
 Benha (chief town)

El Khânka
 Qalyûb
 El Quanâter-el-Khairiya
 Sindbis
 Shibîn-el-Qanâtir
 Shubra-el-Kheima
 Tûkh

Sharqiya Province—
 Abou Hammad
 Abou Kebir
 Belbeis
 Fâqûs
 Gezîret Seoûdi
 Hihya
 Kafr Saqr
 Mashtûl-el-Sûq
 Minyet-el-Qamh
 El Salhiya
 El Sanâfin
 Tal Rak
 Zagazig (chief town)

Upper Egypt

Aswan Province—
 El Alaqi
 Aswân (chief town)
 Edfu
 Kôm Ombo
 El Redissiya Bahari
 Ahiba

Asyut Province—
 Abnûb
 Abu Tig
 Asyût (chief town)
 El Bardâri
 Dairût-el-Mahatta
 Deir Mawâs
 Mallawi
 Manfalût
 El Motea
 El Qûsiya
 El Roda
 Sidfa

Beni-Suef Province—
 Abu Sir-el-Malaq
 Beni-Suef (chief town)
 Biba
 Ihnassia-el-Madina
 El Shantûr
 El Wasta

Faiyûm Province—
 El Faiyûm (chief town)
 Ibshawâi
 Itsa
 El Nazla
 Sinnûris
 Tâmia

Girga Province—
 Akhmûn
 Awlad Hamza
 El Balyana
 Girga

El Khiyâm
 El Manshâh
 El Marâgha
 Nazlet 'Imara
 Sohâg (chief town)
 Tahua
 Tima

Giza Province—

El Aiyat
 El Giza (chief town)
 El Hawamdîa
 Imbâba
 Mazghouna
 Osim
 El Staff
 Sôal

Minya Province—

Beni Mazâr
 El Fant
 El Fashn

El Fikrîya
 El 'Idwa
 Maghâgha
 Minshât Matâi
 El Minya (chief town)
 Samâlût

Qena Province—

Abu Shûsha
 Armant-el-Wabûrât
 El Deir
 Dishna
 Farshût
 Isna
 Luxor
 Nag' Hammâdi
 Naqâda
 Qaft
 Quena (chief town)
 Qûs
 El Waqf

The Government of New Zealand—

North Island and adjacent islets;
 South Island and adjacent islets;
 Stewart Island and adjacent islets;
 Chatham Islands.

2. The above-mentioned Contracting Governments may, at any time while the present agreement is in force, extend the application of the said agreement to any portions of their metropolitan territories other than those to which the agreement is already applicable under the preceding paragraph by a notification addressed to the Government of the United Kingdom through the diplomatic channel.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall transmit to all the other Contracting Governments copies of all notifications received under the preceding paragraph.

Done at London this nineteenth day of June, 1934, in English and French texts, both texts being equally authentic.

For the Government of the Union of
 South Africa:
 C. T. TE WATER

For the Government of the German
 Reich:
 HOESCH

For the Government of the Common-
 wealth of Australia:
 C. M. BRUCE

For the Government of the Federal
 State of Austria:

For the Government of Canada:
 G. H. FERGUSON

For the Government of the Republic of
 Chile:
 J. E. TOCORNAL

For the Government of His Majesty the
 King of Egypt:
 A. W. DAWOOD

For the Government of the Spanish Re-
 public:
 RAMÓN PÉREZ DE AYALA

For the Government of the Irish Free
 State:
 J. W. DULANTY

For the Government of the United States of America:

ROBERT W. BINGHAM

For the Government of the United Kingdom of Great Britain and Northern Ireland:

JOHN SIMON

For the Government of the Hellenic Republic:

D. CACLAMANOS

For the Government of the Kingdom of Hungary:

SZECHENYI

For the Government of His Majesty the King of Italy:

DINO GRANDI

For the Government of the Republic of Latvia:

CH. ZARINE

For the Government of the United States of Mexico:

J. SÁNCHEZ MEJORADA

For the Government of Her Majesty the Queen of the Netherlands:

R. DE MAREES VAN SWINDEREN

For the Government of New Zealand:

C. J. PARR

For the Government of the Republic of Panama:

For the Government of the Republic of Paraguay:

R. ESPINOZA

For the Government of His Majesty the Shah of Persia:

M. K. SCHAYESTEH

For the Government of the Republic of Poland:

SKIRMUNT

For the Government of the Czechoslovak Republic:

JAN MASARYK

For the Government of the United States of Venezuela:

DIÓGENES ESCALANTE

ANNEX

[TRANSLATION]

INTERMEDIATE NOMENCLATURE RECOMMENDED AT PARIS ON OCTOBER 19TH, 1929, BY THE INTERNATIONAL COMMISSION FOR THE DECENNIAL REVISION OF THE INTERNATIONAL NOMENCLATURE OF DISEASES

(The numbers in parenthesis are those of the detailed nomenclature.)

I. Infectious and Parasitic Diseases

1. Typhoid and paratyphoid fevers (1 and 2).
2. Typhus fever (3).
3. Small-pox (6).
4. Measles (7).
5. Scarlet fever (8).
6. Whooping cough (9).
7. Diphtheria (10).
8. Influenza (11).
9. Dysentery (13).
10. Plague (14).
11. Tuberculosis of the respiratory system (23).
12. All other forms of tuberculosis (24 to 32).
13. Syphilis (34).
14. Purulent infection and septicaemia, non-puerperal (36).
15. Malaria (38).
16. Diseases caused by protozoa or helminths (39 to 42).
17. Other infectious and parasitic diseases⁵ (4, 5, 12, 15 to 22, 33, 35, 37, 43 and 44).

⁵ Other infectious diseases should be specified when they cause a considerable mortality, and certain others (cholera, yellow fever, recurrent fever, leprosy) should be specified, even if they cause only one death. [Footnote in original.]

II. *Cancer and other Tumours*

18. Cancer and malignant tumours (45 to 53).
19. Tumours, non-malignant, or of unspecified nature (54 and 55).

III. *Rheumatic Diseases, Diseases of Nutrition and of Endocrine Glands, and other General Diseases*

20. Acute rheumatic fever (56).
21. Chronic rheumatism and gout (57 and 58).
22. Diabetes mellitus (59).
23. Vitamine deficiency diseases (60 to 64).
24. Diseases of the thyroid and parathyroid glands (66).
25. Other general diseases (65, 67 to 69).

IV. *Diseases of the Blood and Haematopoietic Organs*

26. Pernicious and other anaemias (71).
27. Leukaemia, aleukaemia and other diseases of the blood and haematopoietic organs (70, 72 to 74).

V. *Chronic Poisonings and Intoxications*

28. Alcoholism (chronic or acute) (75).
29. Other chronic poisonings (76 and 77).

VI. *Diseases of the Nervous System and Organs of Special Sense*

30. Simple meningitis (79).
31. Progressive locomotor ataxy (80).
32. Cerebral haemorrhage, embolism and thrombosis (82).
33. General paralysis of the insane (83).
34. Dementia praecox and other psychoses (84).
35. Epilepsy (85).
36. Other diseases of the nervous system (78, 81, 86 and 87).
37. Diseases of the eye, ear and annexa (88 and 89).

VII. *Diseases of the Circulatory System*

38. Pericarditis (90).
39. Acute endocarditis (91).
40. Chronic endocarditis, valvular disease (92).
41. Diseases of the myocardium (93).
42. Diseases of the coronary arteries, angina pectoris (94).
43. Other diseases of the heart (95).
44. Aneurysm, other than of the heart (96).
45. Arterio-sclerosis, gangrene (97 and 98).
46. Other diseases of the circulatory system (99 to 103).

VIII. *Diseases of the Respiratory System*

47. Bronchitis (106).
48. Pneumonia (107 to 109).
49. Pleurisy (110).
50. Other diseases of the respiratory system (tuberculosis excepted) (104, 105, 111 to 114).

IX. *Diseases of the Digestive System*

51. Ulcer of the stomach or duodenum (117).
52. Diarrhoea and enteritis (under 2 years of age) (119).
53. Diarrhoea, enteritis and ulceration of the intestines (2 years and over) (120).
54. Appendicitis (121).
55. Hernia, intestinal obstruction (122).
56. Cirrhosis of the liver (124).

- 57. Other diseases of the liver and biliary passages (including biliary calculus) (125 to 127).
- 58. Other diseases of the digestive system (115, 116, 118, 123, 128 and 129).

X. Diseases of the Genito-Urinary System

- 59. Nephritis (130 to 132).
- 60. Other diseases of the kidney, renal pelvis and ureters (133).
- 61. Calculi of urinary passages (134).
- 62. Diseases of the bladder (excluding tumours) (135).
- 63. Diseases of the urethra, urinary abscess, etc. (136).
- 64. Diseases of the prostate (137).
- 65. Diseases of the genital organs, not stated to be venereal (138 and 139).

XI. Pregnancy, Labour and Puerperal State

- 66. Accidents of pregnancy (141, 142 and 143).
- 67. Puerperal haemorrhage (144).
- 68. Puerperal septicaemia (140 and 145).
- 69. Toxaemias of pregnancy (albuminuria or eclampsia) (146 and 147).
- 70. Other puerperal causes (148 to 150).

XII. Diseases of the Skin and Cellular Tissue

- 71. Diseases of the skin and cellular tissue (151 to 153).

XIII. Diseases of the Bones and Organs of Locomotion

- 72. Diseases of the bones and organs of locomotion (tuberculosis and rheumatism excepted) (154 to 156).

XIV. Congenital Malformations

- 73. Congenital malformations (stillbirths excepted) (157).

XV. Early Infancy

- 74. Congenital debility (158).
- 75. Premature birth (stillbirths excepted) (159).
- 76. Injury at birth (stillbirths excepted) (160).
- 77. Other diseases peculiar to early infancy (161).

XVI. Senility

- 78. Senility (162).

XVII. Violent or Accidental Deaths

- 79. Suicide (163 to 171).
- 80. Homicide (172 to 175).
- 81. Accidents (176 to 194).
- 82. Other violent deaths the nature of which (suicide, homicide, accident) is unknown (195).
- 83. War wounds (including execution of civilians by belligerents) (196 and 197).
- 84. Capital punishment (198).

XVIII. Causes of Death not Determined

- 85. Causes not specified, or ill-defined (199 and 200).

NONAPPLICATION OF MOST-FAVORED-NATION CLAUSE IN RESPECT OF CERTAIN MULTI- LATERAL ECONOMIC CONVENTIONS

Agreement opened for signature at the Pan American Union July 15, 1934, and signed for the United States, ad referendum, September 20, 1934

Senate advice and consent to ratification August 24, 1935

Ratified by the President of the United States August 30, 1935

Ratification of the United States deposited with the Pan American Union September 12, 1935

*Entered into force September 12, 1935*¹

Proclaimed by the President of the United States October 25, 1935

49 Stat. 3260; Treaty Series 898

The High Contracting Parties, desirous of encouraging the development of economic relations among the peoples of the world by means of multilateral conventions, the benefits of which ought not to inure to countries which refuse to assume the obligations thereof; and desirous also, while reaffirming as a fundamental doctrine the policy of equality of treatment, to develop such policy in a manner harmonious with the development of general economic rapprochement in which every country shall do its part; have decided to enter into an agreement for these purposes, as set forth in the following articles:

ARTICLE I

The High Contracting Parties, with respect to their relations with one another, will not, except as provided in Article II hereof, invoke the obligations of the most-favored-nation clause for the purpose of obtaining from Parties to multilateral conventions of the type hereinafter stated, the advantages or benefits enjoyed by the Parties thereto.

The multilateral economic conventions contemplated in this article are those which are of general applicability, which include a trade area of substantial size, which have as their objective the liberalization and promotion of international trade or other international economic intercourse, and which are open to adoption by all countries.

¹ Date of deposit of second instrument of ratification.

ARTICLE II

Notwithstanding the stipulation of Article I, any High Contracting Party may demand, from a State with which it maintains a treaty containing the most-favored-nation clause, the fulfillment of that clause insofar as such High Contracting Party accords in fact to such State the benefits which it claims.

ARTICLE III

The present agreement is operative as respects each High Contracting Party on the date of signature by such Party. It shall be open for signature on behalf of any State and shall remain operative indefinitely, but any Party may terminate its own obligations hereunder three months after it has given to the Pan American Union notice of such intention.

Notwithstanding the stipulations of the foregoing paragraph, any State desiring to do so may sign the present agreement *ad referendum*, which agreement in this case, shall not take effect, with respect to such State, until after the deposit of the instrument of ratification, in conformity with its constitutional procedure.

ARTICLE IV

This agreement is a single document in English, Spanish, Portuguese and French, all of which texts are equally authoritative. It shall be deposited with the Pan American Union, which is charged with the duty of keeping it open for signature or resignation indefinitely, and with transmitting certified copies, with invitations to become parties, to all of the States of the world. In performing this function, the Pan American Union may invoke the assistance of any of its members signatory hereto.

In witness whereof, the undersigned Plenipotentiaries have signed this agreement on behalf of their respective Governments, and have affixed hereto their seals on the dates appearing opposite their signatures.

Opened for signature by the Pan American Union, in accordance with a resolution of the Seventh International Conference of American States, this fifteenth day of July, 1934, at Washington.

For the United States of America:

CORDELL HULL, [SEAL]
ad referendum, September 20, 1934

For the Republic of Panama:

R. J. ALFARO, [SEAL]
ad referendum, Septiembre 29, 1934

For the Republic of Cuba:

M. MÁRQUEZ STERLING, [SEAL]
ad referendum, Octubre 16/1934

For the Republic of Nicaragua:

HENRI DE BAYLE, [SEAL]
ad referendum, Enero 23, 1935

Au nom de l'Union Economique Belgo-Luxembourgeoise:

Cte. R. STRATEN, [SEAL]
ad referendum, 14 Mars 1935

For the Republic of Guatemala:

ADRIÁN RECINOS, [SEAL]
ad referendum, 11 de mayo de 1935

For the Republic of Greece:

D. SICILIANOS, [SEAL]
ad referendum, 20 July 1935

Por la República de Colombia:

M. LÓPEZ PUMAREJO, [SEAL]
ad referendum, 15 de agosto de 1935

PROTECTION OF ARTISTIC AND SCIENTIFIC INSTITUTIONS AND HISTORIC MONUMENTS (INTER-AMERICAN)

Treaty signed at Washington April 15, 1935

Senate advice and consent to ratification July 2, 1935

Ratified by the President of the United States July 10, 1935

*Ratification of the United States deposited with the Pan American
Union July 13, 1935*

*Entered into force August 26, 1935*¹

Proclaimed by the President of the United States October 25, 1935

49 Stat. 3267; Treaty Series 899

The High Contracting Parties, animated by the purpose of giving conventional form to the postulates of the Resolution approved on December 16, 1933, by all the States represented at the Seventh International Conference of American States, held at Montevideo, which recommended to "the Governments of America which have not yet done so that they sign the 'Roerich Pact', initiated by the Roerich Museum in the United States, and which has as its object, the universal adoption of a flag, already designed and generally known, in order thereby to preserve in any time of danger all nationally and privately owned immovable monuments which form the cultural treasure of peoples", have resolved to conclude a treaty with that end in view, and to the effect that the treasures of culture be respected and protected in time of war and in peace, have agreed upon the following articles:

ARTICLE I

The historic monuments, museums, scientific, artistic, educational and cultural institutions shall be considered as neutral and as such respected and protected by belligerents.

The same respect and protection shall be due to the personnel of the institutions mentioned above.

The same respect and protection shall be accorded to the historic monuments, museums, scientific, artistic, educational and cultural institutions in time of peace as well as in war.

¹ Date of deposit of second instrument of ratification.

ARTICLE II

The neutrality of, and protection and respect due to, the monuments and institutions mentioned in the preceding article, shall be recognized in the entire expanse of territories subject to the sovereignty of each of the signatory and acceding States, without any discrimination as to the State allegiance of said monuments and institutions. The respective Governments agree to adopt the measures of internal legislation necessary to insure said protection and respect.

ARTICLE III

In order to identify the monuments and institutions mentioned in article I, use may be made of a distinctive flag (red circle with a triple red sphere in the circle on a white background) in accordance with the model attached to this treaty.²

ARTICLE IV

The signatory Governments and those which accede to this treaty, shall send to the Pan American Union, at the time of signature or accession, or at any time thereafter, a list of the monuments and institutions for which they desire the protection agreed to in this treaty.

The Pan American Union, when notifying the Governments of signatures or accessions, shall also send the list of monuments and institutions mentioned in this article, and shall inform the other Governments of any changes in said list.

ARTICLE V

The monuments and institutions mentioned in article I shall cease to enjoy the privileges recognized in the present treaty in case they are made use of for military purposes.

ARTICLE VI

The States which do not sign the present treaty on the date it is opened for signature, may sign or adhere to it at any time.

ARTICLE VII

The instruments of accession, as well as those of ratification and denunciation of the present treaty, shall be deposited with the Pan American Union, which shall communicate notice of the act of deposit to the other signatory or acceding States.

ARTICLE VIII

The present treaty may be denounced at any time by any of the signatory or acceding States, and the denunciation shall go into effect three months after notice of it has been given to the other signatory or acceding States.

² Not printed here. For a colored illustration of the flag, see TS 899.

In witness whereof, the undersigned Plenipotentiaries, after having deposited their full powers found to be in due and proper form, sign this treaty on behalf of their respective governments, and affix thereto their seals, on the dates appearing opposite their signatures.

For the Argentine Republic:

FELIPE A. ESPIL [SEAL]
April 15, 1935

For Bolivia:

ENRIQUE FINOT [SEAL]
April 15, 1935

For Brazil:

OSWALDO ARANHA [SEAL]
April 15, 1935

For Chile:

M. TRUCCO [SEAL]
April 15, 1935

For Colombia:

M. LOPEZ PUMAREJO [SEAL]
April 15, 1935

For Costa Rica:

MAN. GONZALEZ Z. [SEAL]
April 15, 1935

For Cuba:

GUILLERMO PATTERSON [SEAL]
April 15, 1935

For the Dominican Republic:

RAF. BRACHE [SEAL]
April 15, 1935

For Ecuador:

C. E. ALFARO [SEAL]
April 15, 1935

For El Salvador:

HECTOR DAVID CASTRO [SEAL]
April 15, 1935

For Guatemala:

ADRIAN RECINOS [SEAL]
April 15, 1935

For Haiti:

A. BLANCHET [SEAL]
April 15, 1935

For Honduras:

M. PAZ BARAONA [SEAL]
April 15, 1935

For Mexico:

F. CASTILLO NAJERA [SEAL]
April 15, 1935

For Nicaragua:

HENRI DE BAYLE [SEAL]
April 15, 1935

For Panama:

R. J. ALFARO [SEAL]
April 15, 1935

For Paraguay:

ENRIQUE BORDENAVE [SEAL]
April 15, 1935

For Peru:

M. DE FREYRE Y S. [SEAL]
April 15, 1935

For United States of America:

HENRY A. WALLACE [SEAL]
April 15, 1935

For Uruguay:

J. RICHLING [SEAL]
April 15, 1935

For Venezuela:

PEDRO M. ARCAYA [SEAL]
April 15, 1935

LIMITATION OF NAVAL ARMAMENT (SECOND LONDON NAVAL TREATY)

*Treaty, protocol of signature, and additional protocol signed at London
March 25, 1936*

Senate advice and consent to ratification May 18, 1936

Ratified by the President of the United States May 28, 1936

Ratification of the United States deposited at London July 2, 1936

Entered into force July 29, 1937

Proclaimed by the President of the United States August 6, 1937

Article 4 modified by protocol of June 30, 1938¹

Expired December 31, 1942, in accordance with terms of article 27²

50 Stat. 1363; Treaty Series 919

The President of the United States of America, the President of the French Republic and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India;

Desiring to reduce the burdens and prevent the dangers inherent in competition in naval armament;

Desiring, in view of the forthcoming expiration of the Treaty for the Limitation of Naval Armament signed at Washington on the 6th February, 1922³ and of the Treaty for the Limitation and Reduction of Naval Armament signed in London on the 22nd April, 1930⁴ (save for Part IV thereof), to make provision for the limitation of naval armament, and for the exchange of information concerning naval construction;

Have resolved to conclude a Treaty for these purposes and have appointed as their Plenipotentiaries:

The President of the United States of America:

The Honourable Norman H. Davis;

Admiral William H. Standley, United States Navy, Chief of Naval Operations;

¹ EAS 127, *post*, p. 523.

² Notices of intention to suspend operation of the treaty, pursuant to provisions of art. 24, were given by the United Kingdom Sept. 3, 1939, by India Sept. 5, 1939, by Australia and New Zealand Sept. 8, 1939, by France Sept. 10, 1939, by Canada Sept. 11, 1939, by the United States Oct. 3, 1939, and by Italy Oct. 10, 1939. No action for reviving the operation of the treaty was taken prior to the expiration date.

³ TS 671, *ante*, vol. 2, p. 351.

⁴ TS 830, *ante*, vol. 2, p. 1055.

The President of the French Republic:

His Excellency Monsieur Charles Corbin, Ambassador Extraordinary and Plenipotentiary of the French Republic at the Court of St. James;
Vice-Admiral Georges Robert, Member of the Supreme Naval Council,
Inspector-General of the Naval Forces in the Mediterranean;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

for Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

The Right Honourable Anthony Eden, M.C., M.P., His Principal Secretary of State for Foreign Affairs;

The Right Honourable Viscount Monsell, G.B.E., First Lord of His Admiralty;

Lieutenant-Colonel the Earl Stanhope, K.G., D.S.O., M.C., D.L.,
Parliamentary Under Secretary of State for Foreign Affairs;

for the Dominion of Canada:

The Honourable Vincent Massey, High Commissioner for the Dominion of Canada in London;

for the Commonwealth of Australia:

The Right Honourable Stanley Melbourne Bruce, C.H., M.C., High Commissioner for the Commonwealth of Australia in London;

for the Dominion of New Zealand:

The Honourable Sir Christopher James Parr, G.C.M.G., High Commissioner for the Dominion of New Zealand in London;

for India:

Richard Austen Butler, Esquire, M.P., Parliamentary Under Secretary of State for India.

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

PART I

Definitions

ARTICLE 1

For the purpose of the present Treaty, the following expressions are to be understood in the sense hereinafter defined.

A. Standard Displacement

(1) The standard displacement of a surface vessel is the displacement of the vessel, complete, fully manned, engined, and equipped ready for sea, in-

cluding all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

(2) The standard displacement of a submarine is the surface displacement of the vessel complete (exclusive of the water in nonwatertight structure), fully manned, engined and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel, lubricating oil, fresh water or ballast water of any kind on board.

(3) The word "ton" except in the expression "metric tons" denotes the ton of 2,240 lb. (1,016 kilos).

B. *Categories*

(1) *Capital Ships* are surface vessels of war belonging to one of the two following sub-categories:

(a) surface vessels of war, other than aircraft carriers, auxiliary vessels, or capital ships of sub-category (b), the standard displacement of which exceeds 10,000 tons (10,160 metric tons) or which carry a gun with a calibre exceeding 8 in. (203 mm.);

(b) surface vessels of war, other than aircraft-carriers, the standard displacement of which does not exceed 8,000 tons (8,128 metric tons) and which carry a gun with a calibre exceeding 8 in. (203 mm.).

(2) *Aircraft-Carriers* are surface vessels of war, whatever their displacement, designed or adapted primarily for the purpose of carrying and operating aircraft at sea. The fitting of a landing-on or flying-off deck on any vessel of war, provided such vessel has not been designed or adapted primarily for the purpose of carrying and operating aircraft at sea, shall not cause any vessel so fitted to be classified in the category of aircraft-carriers.

The category of aircraft-carriers is divided into two sub-categories as follows:

(a) vessels fitted with a flight deck, from which aircraft can take off, or on which aircraft can land from the air;

(b) vessels not fitted with a flight deck as described in (a) above.

(3) *Light Surface Vessels* are surface vessels of war other than aircraft-carriers, minor war vessels or auxiliary vessels, the standard displacement of which exceeds 100 tons (102 metric tons) and does not exceed 10,000 tons (10,160 metric tons), and which do not carry a gun with a calibre exceeding 8 in. (203 mm.).

The category of light surface vessels is divided into three sub-categories as follows:

(a) vessels which carry a gun with a calibre exceeding 6·1 in. (155 mm.);

(b) vessels which do not carry a gun with a calibre exceeding 6·1 in. (155 mm.) and the standard displacement of which exceeds 3,000 tons (3,048 metric tons);

(c) vessels which do not carry a gun with a calibre exceeding 6·1 in. (155 mm.) and the standard displacement of which does not exceed 3,000 tons (3,048 metric tons).

(4) *Submarines* are all vessels designed to operate below the surface of the sea.

(5) *Minor War Vessels* are surface vessels of war, other than auxiliary vessels, the standard displacement of which exceeds 100 tons (102 metric tons) and does not exceed 2,000 tons (2,032 metric tons), provided they have none of the following characteristics:

(a) mount a gun with a calibre exceeding 6·1 in. (155 mm.)

(b) are designed or fitted to launch torpedoes;

(c) are designed for a speed greater than twenty knots.

(6) *Auxiliary Vessels* are naval surface vessels the standard displacement of which exceeds 100 tons (102 metric tons), which are normally employed on fleet duties or as troop transports, or in some other way than as fighting ships, and which are not specifically built as fighting ships, provided they have none of the following characteristics:

(a) mount a gun with a calibre exceeding 6·1 in. (155 mm.);

(b) mount more than eight guns with a calibre exceeding 3 in. (76 mm.);

(c) are designed or fitted to launch torpedoes;

(d) are designed for protection by armour plate;

(e) are designed for a speed greater than twenty-eight knots;

(f) are designed or adapted primarily for operating aircraft at sea;

(g) mount more than two aircraft-launching apparatus.

(7) *Small Craft* are naval surface vessels the standard displacement of which does not exceed 100 tons (102 metric tons).

C. *Over Age*

Vessels of the following categories and sub-categories shall be deemed to be "over-age" when the undermentioned number of years have elapsed since completion:

- (a) Capital ships..... 26 years.
- (b) Aircraft-carriers 20 years.
- (c) Light surface vessels, sub-categories (a) and (b):
 - (i) if laid down before 1st January, 1920..... 16 years.
 - (ii) if laid down after 31st December, 1919..... 20 years.
- (d) Light surface vessels, sub-category (c)..... 16 years.
- (e) Submarines 13 years.

D. Month

The word "month" in the present Treaty with reference to a period of time denotes the month of thirty days.

PART II

Limitation

ARTICLE 2

After the date of the coming into force of the present Treaty, no vessel exceeding the limitations as to displacement or armament prescribed by this Part of the present Treaty shall be acquired by any High Contracting Party or constructed by, for or within the jurisdiction of any High Contracting Party.

ARTICLE 3

No vessel which at the date of the coming into force of the present Treaty carries guns with a calibre exceeding the limits prescribed by this Part of the present Treaty shall, if reconstructed or modernised, be rearmed with guns of a greater calibre than those previously carried by her.

ARTICLE 4⁵

(1) No capital ship shall exceed 35,000 tons (35,560 metric tons) standard displacement.

(2) No capital ship shall carry a gun with a calibre exceeding 14 in. (356 mm.); provided however that if any of the Parties to the Treaty for the Limitation of Naval Armament signed at Washington on the 6th February, 1922, should fail to enter into an agreement to conform to this provision prior to the date of the coming into force of the present Treaty, but in any case not later than the 1st April, 1937, the maximum calibre of gun carried by capital ships shall be 16 in. (406 mm.).

(3) No capital ship of sub-category (a), the standard displacement of which is less than 17,500 tons (17,780 metric tons), shall be laid down or acquired prior to the 1st January, 1943.

(4) No capital ship, the main armament of which consists of guns of less than 10 in. (254 mm.) calibre, shall be laid down or acquired prior to the 1st January, 1943.

⁵ Modified by protocol of June 30, 1938 (EAS 127), *post*, p. 523.

ARTICLE 5

(1) No aircraft carrier shall exceed 23,000 tons (23,368 metric tons) standard displacement or carry a gun with a calibre exceeding 6·1 in. (155 mm.).

(2) If the armament of any aircraft carrier includes guns exceeding 5·25 in. (134 mm.) in calibre, the total number of guns carried which exceed that calibre shall not be more than ten.

ARTICLE 6

(1) No light surface vessel of sub-category (*b*) exceeding 8,000 tons (8,128 metric tons) standard displacement, and no light surface vessel of sub-category (*a*) shall be laid down or acquired prior to the 1st January, 1943.

(2) Notwithstanding the provisions of paragraph (1) above, if the requirements of the national security of any High Contracting Party are, in His opinion, materially affected by the actual or authorised amount of construction by any Power of light surface vessels of sub-category (*b*), or of light surface vessels not conforming to the restrictions of paragraph (1) above, such High Contracting Party shall, upon notifying the other High Contracting Parties of His intentions and the reasons therefor, have the right to lay down or acquire light surface vessels of sub-categories (*a*) and (*b*) of any standard displacement up to 10,000 tons (10,610 metric tons) subject to the observance of the provisions of Part III of the present Treaty. Each of the other High Contracting Parties shall thereupon be entitled to exercise the same right.

(3) It is understood that the provisions of paragraph (1) above constitute no undertaking expressed or implied to continue the restrictions therein prescribed after the year 1942.

ARTICLE 7

No submarine shall exceed 2,000 tons (2,032 metric tons) standard displacement or carry a gun exceeding 5·1 in. (10 mm.) in calibre.

ARTICLE 8

Every vessel shall be rated at its standard displacement, as defined in Article 1A of the present Treaty.

ARTICLE 9

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6·1 in. (155 mm.) in calibre.

ARTICLE 10

Vessels which were laid down before the date of the coming into force of the present Treaty, the standard displacement or armament of which exceeds the limitations or restrictions prescribed in this Part of the present Treaty for their category or sub-category, or vessels which before that date were converted to target use exclusively or retained exclusively for experimental or training purposes under the provisions of previous treaties, shall retain the category or designation which applied to them before the said date.

PART III

Advance Notification and Exchange of Information

ARTICLE 11

(1) Each of the High Contracting Parties shall communicate every year to each of the other High Contracting Parties information, as hereinafter provided, regarding His annual programme for the construction and acquisition of all vessels of the categories and sub-categories mentioned in Article 12 (a), whether or not the vessels concerned are constructed within His own jurisdiction, and periodical information giving details of such vessels and of any alterations to vessels of the said categories or sub-categories already completed.

(2) For the purposes of this and the succeeding Parts of the present Treaty, information shall be deemed to have reached a High Contracting Party on the date upon which such information is communicated to His Diplomatic Representatives accredited to the High Contracting Party by whom the information is given.

(3) This information shall be treated as confidential until published by the High Contracting Party supplying it.

ARTICLE 12

The information to be furnished under the preceding Article in respect of vessels constructed by or for a High Contracting Party shall be given as follows; and so as to reach all the other High Contracting Parties within the periods or at the times mentioned:—

(a) Within the first four months of each calendar year, the Annual Programme of construction of all vessels of the following categories and sub-categories, stating the number of vessels of each category or sub-category and, for each vessel, the calibre of the largest gun. The categories and sub-categories in question are:

Capital Ships—

sub-category (a)

sub-category (b)

Aircraft-Carriers—

sub-category (*a*)sub-category (*b*)

Light Surface Vessels—

sub-category (*a*)sub-category (*b*)sub-category (*c*)

Submarines—

(*b*) Not less than four months before the date of the laying of the keel, the following particulars in respect of each such vessel:

Name or designation;

Category and sub-category;

Standard displacement in tons and metric tons;

Length at waterline at standard displacement;

Extreme beam at or below waterline at standard displacement;

Mean draught at standard displacement;

Designed horse-power;

Designed speed;

Type of machinery;

Type of fuel;

Number and calibre of all guns of 3 in. (76 mm.) calibre and above;

Approximate number of guns of less than 3 in. (76 mm.) calibre;

Number of torpedo tubes;

Whether designed to lay mines;

Approximate number of aircraft for which provision is to be made.

(*c*) As soon as possible after the laying-down of the keel of each such vessel, the date on which it was laid.

(*d*) Within one month after the date of completion of each such vessel, the date of completion together with all the particulars specified in paragraph (*b*) above relating to the vessel on completion.

(*e*) Annually during the month of January, in respect of vessels belonging to the categories and sub-categories mentioned in paragraph (*a*) above:

(i) Information as to any important alterations which it may have proved necessary to make during the preceding year in vessels under construction, in so far as these alterations affect the particulars mentioned in paragraph (*b*) above.

(ii) Information as to any important alterations made during the preceding year in vessels previously completed, in so far as these alterations affect the particulars mentioned in paragraph (*b*) above.

(iii) Information concerning vessels which may have been scrapped or otherwise disposed of during the preceding year. If such vessels are not scrapped, sufficient information shall be given to enable their new status and condition to be determined.

(*f*) Not less than four months before undertaking such alterations as would cause a completed vessel to come within one of the categories or sub-categories mentioned in paragraph (*a*) above, or such alterations as would cause a vessel to change from one to another of the said categories or sub-categories: information as to her intended characteristics as specified in paragraph (*b*) above.

ARTICLE 13

No vessel coming within the categories or sub-categories mentioned in Article 12 (*a*) shall be laid down by any High Contracting Party until after the expiration of a period of four months both from the date on which the Annual Programme in which the vessel is included, and from the date on which the particulars in respect of that vessel prescribed by Article 12 (*b*), have reached all the other High Contracting Parties.

ARTICLE 14

If a High Contracting Party intends to acquire a completed or partially completed vessel coming within the categories or sub-categories mentioned in Article 12 (*a*), that vessel shall be declared at the same time and in the same manner as the vessels included in the Annual Programme prescribed in the said Article. No such vessel shall be acquired until after the expiration of a period of four months from the date on which such declaration has reached all the other High Contracting Parties. The particulars mentioned in Article 12 (*b*), together with the date on which the keel was laid, shall be furnished in respect of such vessel so as to reach all the other High Contracting Parties within one month after the date on which the contract for the acquisition of the vessel was signed. The particulars mentioned in Article 12 (*d*), (*e*) and (*f*) shall be given as therein prescribed.

ARTICLE 15

At the time of communicating the Annual Programme prescribed by Article 12 (*a*), each High Contracting Party shall inform all the other High Contracting Parties of all vessels included in His previous Annual Programmes and declarations that have not yet been laid down or acquired, but which it is the intention to lay down or acquire during the period covered by the first mentioned Annual Programme.

ARTICLE 16

If, before the keel of any vessel coming within the categories or sub-categories mentioned in Article 12 (*a*) is laid, any important modification is made in the particulars regarding her which have been communicated under Article 12 (*b*), information concerning this modification shall be given, and the laying of the keel shall be deferred until at least four months after this information has reached all the other High Contracting Parties.

ARTICLE 17

No High Contracting Party shall lay down or acquire any vessel of the categories or sub-categories mentioned in Article 12(a), which has not previously been included in His Annual Programme of construction or declaration of acquisition for the current year or in any earlier Annual Programme or declaration.

ARTICLE 18

If the construction, modernisation or reconstruction of any vessel coming within the categories or sub-categories mentioned in Article 12(a), which is for the order of a Power not a party to the present Treaty, is undertaken within the jurisdiction of any High Contracting Party, He shall promptly inform all the other High Contracting Parties of the date of the signing of the contract and shall also give as soon as possible in respect of the vessel all the information mentioned in Article 12 (b), (c) and (d).

ARTICLE 19

Each High Contracting Party shall give lists of all His minor war vessels and auxiliary vessels with their characteristics, as enumerated in Article 12 (b), and information as to the particular service for which they are intended, so as to reach all the other High Contracting Parties within one month after the date of the coming into force of the present Treaty; and, so as to reach all the other High Contracting Parties within the month of January in each subsequent year, any amendments in the lists and changes in the information.

ARTICLE 20

Each of the High Contracting Parties shall communicate to each of the other High Contracting Parties, so as to reach the latter within one month after the date of the coming into force of the present Treaty, particulars, as mentioned in Article 12(b), of all vessels of the categories or sub-categories mentioned in Article 12(a), which are then under construction for Him whether or not such vessels are being constructed within His own jurisdiction, together with similar particulars relating to any such vessels then under construction within His own jurisdiction for a Power not a party to the present Treaty.

ARTICLE 21

(1) At the time of communicating His initial Annual Programme of construction and declaration of acquisition, each High Contracting Party shall inform each of the other High Contracting Parties of any vessels of the categories or sub-categories mentioned in Article 12 (a), which have been previously authorised and which it is the intention to lay down or acquire during the period covered by the said Programme.

(2) Nothing in this Part of the present Treaty shall prevent any High Contracting Party from laying down or acquiring, at any time during the four months following the date of the coming into force of the Treaty, any vessel included, or to be included, in His initial Annual Programme of construction or declaration of acquisition, or previously authorised, provided that the information prescribed by Article 12 (*b*) concerning each vessel shall be communicated so as to reach all the other High Contracting Parties within one month after the date of the coming into force of the present Treaty.

(3) If the present Treaty should not come into force before the 1st May, 1937, the initial Annual Programme of construction and declaration of acquisition, to be communicated under Articles 12 (*a*) and 14 shall reach all the other High Contracting Parties within one month after the date of the coming into force of the present Treaty.

PART IV

General and Safeguarding Clauses

ARTICLE 22

No High Contracting Party shall, by gift, sale or any mode of transfer, dispose of any of His surface vessels of war or submarines in such a manner that such vessel may become a surface vessel of war or a submarine in any foreign navy. This provision shall not apply to auxiliary vessels.

ARTICLE 23

(1) Nothing in the present Treaty shall prejudice the right of any High Contracting Party, in the event of loss or accidental destruction of a vessel, before the vessel in question has become over-age, to replace such vessel by a vessel of the same category or sub-category as soon as the particulars of the new vessel mentioned in Article 12 (*b*) shall have reached all the other High Contracting Parties.

(2) The provisions of the preceding paragraph shall also govern the immediate replacement, in such circumstances, of a light surface vessel of the sub-category (*b*) exceeding 8,000 tons (8,128 metric tons) standard displacement, or of a light surface vessel of sub-category (*a*), before the vessel in question has become over-age, by a light surface vessel of the same sub-category of any standard displacement up to 10,000 tons (10,160 metric tons).

ARTICLE 24

(1) If any High Contracting Party should become engaged in war, such High Contracting Party may, if He considers the naval requirements of His defence are materially affected, suspend, in so far as He is concerned, any or all of the obligations of the present Treaty, provided that He shall promptly notify the other High Contracting Parties that the circumstances require such

suspension, and shall specify the obligations it is considered necessary to suspend.

(2) The other High Contracting Parties shall in such case promptly consult together, and shall examine the situation thus presented with a view to agreeing as to the obligations of the present Treaty, if any, which each of the said High Contracting Parties may suspend. Should such consultation not produce agreement, any of the said High Contracting Parties may suspend, in so far as He is concerned, any or all of the obligations of the present Treaty, provided that He shall promptly give notice to the other High Contracting Parties of the obligations which it is considered necessary to suspend.

(3) On the cessation of hostilities, the High Contracting Parties shall consult together with a view to fixing a date upon which the obligations of the Treaty which have been suspended shall again become operative, and to agreeing upon any amendments in the present Treaty which may be considered necessary.

ARTICLE 25

(1) In the event of any vessel not in conformity with the limitations and restrictions as to standard displacement and armament prescribed by Articles 4, 5 and 7 of the present Treaty being authorised, constructed or acquired by a Power not a party to the present Treaty, each High Contracting Party reserves the right to depart if, and to the extent to which, He considers such departures necessary in order to meet the requirements of His national security;

(a) during the remaining period of the Treaty, from the limitations and restrictions of Articles 3, 4, 5, 6 (1) and 7, and

(b) during the current year, from His Annual Programmes of construction and declarations of acquisition.

This right shall be exercised in accordance with the following provisions:

(2) Any High Contracting Party who considers it necessary that such right should be exercised, shall notify the other High Contracting Parties to that effect, stating precisely the nature and extent of the proposed departures and the reasons therefor.

(3) The High Contracting Parties shall thereupon consult together and endeavour to reach an agreement with a view to reducing to a minimum the extent of the departures which may be made.

(4) On the expiration of a period of three months from the date of the first of any notifications which may have been given under paragraph (2) above, each of the High Contracting Parties shall, subject to any agreement which may have been reached to the contrary, be entitled to depart during the remaining period of the present Treaty from the limitations and restrictions prescribed in Articles 3, 4, 5, 6 (1) and 7 thereof.

(5) On the expiration of the period mentioned in the preceding paragraph, any High Contracting Party shall be at liberty, subject to any agreement which may have been reached during the consultations provided for in paragraph (3) above, and on informing all the other High Contracting Parties, to depart from His Annual Programmes of construction and declarations of acquisition and to alter the characteristics of any vessels building or which have already appeared in His Programmes or declarations.

(6) In such event, no delay in the acquisition, the laying of the keel, or the altering of any vessel shall be necessary by reason of any of the provisions of Part III of the present Treaty. The particulars mentioned in Article 12 (b) shall, however, be communicated to all the other High Contracting Parties before the keels of any vessels are laid. In the case of acquisition, information relating to the vessel shall be given under the provisions of Article 14.

ARTICLE 26

(1) If the requirements of the national security of any High Contracting Party should, in His opinion, be materially affected by any change of circumstances, other than those provided for in Articles 6 (2), 24 and 25 of the present Treaty, such High Contracting Party shall have the right to depart for the current year from His Annual Programmes of construction and declarations of acquisition. The amount of construction by any Party to the Treaty, within the limitations and restrictions thereof, shall not, however, constitute a change of circumstances for the purposes of the present Article. The above mentioned right shall be exercised in accordance with the following provisions:—

(2) Such High Contracting Party shall, if He desires to exercise the above mentioned right, notify all the other High Contracting Parties to that effect, stating in what respects He proposes to depart from His Annual Programmes of construction and declarations of acquisition, giving reasons for the proposed departure.

(3) The High Contracting Parties will thereupon consult together with a view to agreement as to whether any departures are necessary in order to meet the situation.

(4) On the expiration of a period of three months from the date of the first of any notifications which may have been given under paragraph (2) above, each of the High Contracting Parties shall, subject to any agreement which may have been reached to the contrary, be entitled to depart from His Annual Programmes of construction and declarations of acquisition, provided notice is promptly given to the other High Contracting Parties stating precisely in what respects He proposes so to depart.

(5) In such event, no delay in the acquisition, the laying of the keel, or the altering of any vessel shall be necessary by reason of any of the provisions of Part III of the present Treaty. The particulars mentioned in Article

12 (b) shall, however, be communicated to all the other High Contracting Parties before the keels of any vessels are laid. In the case of acquisition, information relating to the vessel shall be given under the provisions of Article 14.

PART V

Final Clauses

ARTICLE 27

The present Treaty shall remain in force until the 31st December, 1942.

ARTICLE 28

(1) His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland will, during the last quarter of 1940, initiate through the diplomatic channel a consultation between the Governments of the Parties to the present Treaty with a view to holding a conference in order to frame a new treaty for the reduction and limitation of naval armament. This conference shall take place in 1941 unless the preliminary consultations should have shown that the holding of such a conference at that time would not be desirable or practicable.

(2) In the course of the consultation referred to in the preceding paragraph, views shall be exchanged in order to determine whether, in the light of the circumstances then prevailing and the experience gained in the interval in the design and construction of capital ships, it may be possible to agree upon a reduction in the standard displacement or calibre of guns of capital ships to be constructed under future annual programmes and thus, if possible, to bring about a reduction in the cost of capital ships.

ARTICLE 29

None of the provisions of the present Treaty shall constitute a precedent for any future treaty.

ARTICLE 30

(1) The present Treaty shall be ratified by the Signatory Powers in accordance with their respective constitutional methods, and the instruments of ratification shall be deposited as soon as possible with His Majesty's Government in the United Kingdom, which will transmit certified copies of all the *procès-verbaux* of the deposits of ratifications to the Governments of the said Powers and of any country on behalf of which accession has been made in accordance with the provisions of Article 31.

(2) The Treaty shall come into force on the 1st January, 1937, provided that by that date the instruments of ratification of all the said Powers shall have been deposited. If all the above-mentioned instruments of ratification have not been deposited by the 1st January, 1937, the Treaty shall come into force so soon thereafter as these are all received.

ARTICLE 31

(1) The present Treaty shall, at any time after this day's date, be open to accession on behalf of any country for which the Treaty for the Limitation and Reduction of Naval Armament was signed in London on the 22nd April, 1930, but for which the present Treaty has not been signed. The instrument of accession shall be deposited with His Majesty's Government in the United Kingdom, which will transmit certified copies of the *procès-verbaux* of the deposit to the Governments of the Signatory Powers and of any country on behalf of which accession has been made.

(2) Accessions, if made prior to the date of the coming into force of the Treaty, shall take effect on that date. If made afterwards, they shall take effect immediately.

(3) If accession should be made after the date of the coming into force of the Treaty, the following information shall be given by the acceding Power so as to reach all the other High Contracting Parties within one month after the date of accession:

(a) The initial Annual Programme of construction and declaration of acquisition, as prescribed by Articles 12 (a) and 14, relating to vessels already authorised, but not yet laid down or acquired, belonging to the categories or sub-categories mentioned in Article 12 (a).

(b) A list of the vessels of the above-mentioned categories or sub-categories completed or acquired after the date of the coming into force of the present Treaty, stating particulars of such vessels as specified in Article 12 (b), together with similar particulars relating to any such vessels which have been constructed within the jurisdiction of the acceding Power after the date of the coming into force of the present Treaty, for a Power not a party thereto.

(c) Particulars, as specified in Article 12 (b) of all vessels of the categories or sub-categories above-mentioned which are then under construction for the acceding Power, whether or not such vessels are being constructed within His own jurisdiction, together with similar particulars relating to any such vessels then under construction within His jurisdiction for a Power not a party to the present Treaty.

(d) Lists of all minor war vessels and auxiliary vessels with their characteristics and information concerning them, as prescribed by Article 19.

(4) Each of the High Contracting Parties shall reciprocally furnish to the Government of any country on behalf of which accession is made after the date of the coming into force of the present Treaty, the information specified in paragraph (3) above, so as to reach that Government within the period therein mentioned.

(5) Nothing in Part III of the present Treaty shall prevent an acceding Power from laying down or acquiring, at any time during the four months

following the date of accession, any vessel included, or to be included, in His initial Annual Programme of construction or declaration of acquisition, or previously authorised, provided that the information prescribed by Article 12 (b) concerning each vessel shall be communicated so as to reach all the other High Contracting Parties within one month after the date of accession.

ARTICLE 32

The present Treaty, of which the French and English texts shall both be equally authentic, shall be deposited in the Archives of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland which will transmit certified copies thereof to the Governments of the countries for which the Treaty for the Limitation and Reduction of Naval Armament was signed in London on the 22nd April, 1930.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in London the 25th day of March, nineteen hundred and thirty-six.

[For the United States:]

NORMAN H. DAVIS

[SEAL]

WILLIAM H. STANDLEY

[SEAL]

[For the French Republic:]

CHARLES CORBIN

[SEAL]

ROBERT G.

[SEAL]

[For the United Kingdom:]

ANTHONY EDEN

[SEAL]

MONSELL

[SEAL]

STANHOPE

[SEAL]

[For Canada:]

VINCENT MASSEY

[SEAL]

[For Australia:]

S. M. BRUCE

[SEAL]

[For New Zealand:]

C. J. PARR

[SEAL]

[For India:]

R. A. BUTLER

[SEAL]

PROTOCOL OF SIGNATURE

At the moment of signing the Treaty bearing this day's date, the undersigned, duly authorised to that effect by their respective Governments, have agreed as follows:

1. If, before the coming into force of the above-mentioned Treaty, the naval construction of any Power, or any change of circumstances, should appear likely to render undesirable the coming into force of the Treaty in its present form, the Powers on behalf of which the Treaty has been signed will consult as to whether it is desirable to modify any of its terms to meet the situation thus presented.

2. In the event of the Treaty not coming into force on the 1st January, 1937, the above-mentioned Powers will, as a temporary measure, promptly communicate to one another, after the laying down, acquisition or completion of any vessels in the categories or sub-categories mentioned in Article 12 (a) of the Treaty, the information detailed below concerning all such vessels

laid down between the 1st January, 1937 and the date of the coming into force of the Treaty, provided, however, that this obligation shall not continue after 1st July, 1937:

Name or designation;
 Classification of the vessel;
 Standard displacement in tons and metric tons;
 Principal dimensions at standard displacement, namely length at water-line and extreme beam at or below waterline;
 Mean draught at standard displacement;
 Calibre of the largest gun.

3. The present Protocol, of which the French and English texts shall both be equally authentic, shall come into force on this day's date. It shall be deposited in the archives of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland which will transmit certified copies thereof to the Governments of the countries for which the Treaty for the Limitation and Reduction of Naval Armament was signed in London on the 22nd April, 1930.

In faith whereof the above-named Plenipotentiaries have signed the present Protocol and have affixed thereto their seals.

Done in London the 25th day of March, nineteen hundred and thirty-six.

NORMAN H. DAVIS	[SEAL]	STANHOPE	[SEAL]
WILLIAM H. STANDLEY	[SEAL]	VINCENT MASSEY	[SEAL]
CHARLES CORBIN	[SEAL]	S. M. BRUCE	[SEAL]
ROBERT G.	[SEAL]	C. J. PARR	[SEAL]
ANTHONY EDEN	[SEAL]	R. A. BUTLER	[SEAL]
MONSELL	[SEAL]		

ADDITIONAL PROTOCOL

The undersigned Plenipotentiaries express the hope that the system of Advance Notification and Exchange of Information will be continued by international agreement after the expiration of the Treaty bearing this day's date, and that it may be possible in any future Treaty to achieve some further measure of reduction in naval armament.

Done in London the 25th day of March, nineteen hundred and thirty-six.

NORMAN H. DAVIS	STANHOPE
WILLIAM H. STANDLEY	VINCENT MASSEY
CHARLES CORBIN	S. M. BRUCE
ROBERT G.	C. J. PARR
ANTHONY EDEN	R. A. BUTLER
MONSELL	

JURIDICAL PERSONALITY OF FOREIGN COMPANIES (INTER-AMERICAN)

*Protocol opened for signature at the Pan American Union June 25, 1936, and signed for the United States, with understandings, June 23, 1939*¹

*Senate advice and consent to ratification, with understandings, June 12, 1941*¹

*Ratified by the President of the United States, with understandings, June 23, 1941*¹

Ratification of the United States deposited with the Pan American Union July 10, 1941

*Entered into force July 10, 1941*²

Proclaimed by the President of the United States August 21, 1941

55 Stat. 1201; Treaty Series 973

DECLARATION ON THE JURIDICAL PERSONALITY OF FOREIGN COMPANIES

The Seventh International Conference of American States approved the following resolution (Number XLVIII) :

“The Seventh International Conference of American States, Resolves:

1. That the Governing Board of the Pan American Union shall appoint a Commission of five experts, to draft a project for simplification and uniformity of powers of attorney, and the juridical personality of foreign companies, if such uniformity is possible. If such uniformity is not possible, the Commission shall suggest the most adequate procedure for reducing to a minimum both the number of different systems of legislation on these subjects and the reservations made to the several conventions.

2. The report should be issued in 1934, and be given to the Governing Board of the Pan American Union in order that it may submit it to the consideration of all the Governments, members of the Pan American Union, for the purposes indicated.”

In compliance with the foregoing resolution, the Governing Board at its session of November 7, 1934, appointed a Committee of Experts composed

¹ For text of U.S. understandings, made at time of signature and maintained in the Senate's resolution of advice and consent and in the President's ratification, see p. 276.

² Date of deposit of second instrument of ratification.

of the Ministers of Venezuela, Panama, and Haiti, and Mr. David E. Grant and Dr. E. Gil Borges. This Committee submitted to the Governing Board at the session of December 5, 1934, a report on the juridical personality of foreign companies in the countries of America. The conclusion of the report of the Committee was presented in the form of the following recommendation:

"Companies constituted in accordance with the laws of one of the Contracting States, and which have their seats in its territory, shall be able to exercise in the territories of the other Contracting States, notwithstanding that they do not have a permanent establishment, branch or agency in such territories, any commercial activity which is not contrary to the laws of such States and to enter all appearances in the courts as plaintiffs or defendants, provided they comply with the laws of the country in question."

The undersigned, being properly authorized by their respective Governments, declare that the principle formulated by the Committee of Experts in the foregoing conclusion to the report mentioned above, is in harmony with the doctrine established in the laws of their respective countries.

The present protocol, in Spanish, Portuguese, English and French, under the present date, shall be deposited in the Pan American Union and remain open for the signature of States which desire to make an analogous declaration.

The representatives of the States which desire to adhere with modifications to the principle enunciated in this declaration, may insert before their signatures the formula which they desire to sign.

In witness whereof, the undersigned representatives sign this protocol on behalf of their respective governments, and affix thereto their seals, on the dates appearing opposite their signatures.

For Chile:

On signing the present Protocol, the representative of Chile formulates as follows the principle of the above-inserted Declaration on the Juridical Personality of Foreign Companies;

Mercantile companies constituted under the laws of one of the signatory states with domicile in the territory thereof, not having any company office, branch, or representation in any other of the signatory states may, nevertheless, appear in court in the territory of these latter as plaintiffs or as defendants, subject to the laws of the country, and execute civil and commercial acts which are not contrary to its laws, except that, for the continued realization of the said acts so that they amount to a fulfilling

of the function of the company the mercantile company must have special authorization from the competent authorities according to the laws of the country where such acts are to be carried out [translation].

M. TRUCO [SEAL]
June 25, 1936

For Ecuador:
C. E. ALFARO [SEAL]
July 22, 1936

For El Salvador:
HÉCTOR DAVID CASTRO [SEAL]
July 22, 1936

For Nicaragua:
HENRI DE BAYLE [SEAL]
July 22, 1936

For Peru:

M. DE FREYERE Y S. [SEAL]
July 22, 1936

For Venezuela:

JACINTO FOMBONA PACHANO [SEAL]
June 30, 1936

For the United States of America:

CORDELL HULL [SEAL]
June 23, 1939

The Secretary of State of the United States of America signs the foregoing Declaration on the Juridical Personality of Foreign Companies with the following understandings:

1. It is understood that the companies described in the Declaration shall be permitted to sue or defend suits of any kind, without the requirement of registration or domestication.

2. It is further understood that the Government of the United States of

America may terminate the obligations arising under the Declaration at any time after twelve month's notice given in advance.

For the Dominican Republic:

A. PASTORIZA [SEAL]
November 7, 1939

On signing the present Protocol, the representative of the Dominican Republic formulates as follows the principle of the Declaration inserted above:

Companies established under the laws of one of the Contracting states with domicil in the territory thereof, not having any company office, branch, or representation in any other of the Contracting States, may, nevertheless, execute in the territory of the said States juridical acts which are not contrary to their laws and may appear in court as plaintiffs or defendants, subject to the laws of the country [translation].

MONETARY STABILIZATION

Declaration by the United States, the United Kingdom, and France effected by simultaneous announcements at Washington, London, and Paris September 25, 1936;¹ supplementary statement of intention by the Secretary of the Treasury October 13, 1936²

Department of the Treasury press releases September 25 and October 13, 1936; Department of State Treaty Information Bulletin No. 84, September 1936, p. 15, and No. 85, October 1936, p. 17

STATEMENT OF SEPTEMBER 25 BY SECRETARY OF THE TREASURY HENRY MORGENTHAU, JR.

1. The Government of the United States, after consultation with the British Government and the French Government, joins with them in affirming a common desire to foster those conditions which safeguard peace and will best contribute to the restoration of order in international economic relations and to pursue a policy which will tend to promote prosperity in the world and to improve the standard of living of peoples.

¹ Sometimes referred to as the "tripartite gentlemen's agreement" or "arrangement." A statement by the Secretary of State, Cordell Hull, in a Department of State press release of Sept. 26, 1936, reads in part:

"Naturally, I am immensely gratified to see a vitally important step in the direction of stable monetary arrangements.

"The action of the Treasuries of the three Governments in making simultaneous and virtually identical statements of policy should greatly strengthen the prospect of stability in international exchange relationships. This should result in further strengthening the basic conditions of our domestic recovery. The declarations of policy amply provide for taking into account the full requirements of internal prosperity. This advance toward stability should also greatly facilitate the reduction of excessive phases of quota, exchange controls, and of other excessive impediments to commerce between nations, which themselves were partly caused by exchange uncertainties. For it has been apparent for a substantial time that progress toward stability and the reduction of barriers to commerce should go forward concurrently, or as nearly as possible, simultaneously. The step taken is in harmony with our reciprocity trade-agreements program, as it is an indispensable part of any program for full and stable business recovery."

² The Secretary of the Treasury announced on the same day that the United Kingdom and France had complied with the conditions specified in his statement for the purchase of gold from the United States for immediate export or earmark. On Nov. 24, 1936, he announced that reciprocal arrangements had been made also with Belgium, the Netherlands, and Switzerland as a result of their adherence to the principles of the tripartite declaration of Sept. 25, 1936.

2. The Government of the United States must, of course, in its policy toward international monetary relations take into full account the requirements of internal prosperity, as corresponding considerations will be taken into account by the Governments of France and Great Britain; it welcomes this opportunity to reaffirm its purpose to continue the policy which it has pursued in the course of recent years, one constant object of which is to maintain the greatest possible equilibrium in the system of international exchange and to avoid to the utmost extent the creation of any disturbance of that system by American monetary action. The Government of the United States shares with the Governments of France and Great Britain the conviction that the continuation of this two-fold policy will serve the general purpose which all the Governments should pursue.

3. The French Government informs the United States Government that, judging that the desired stability of the principal currencies cannot be insured on a solid basis except after the reestablishment of a lasting equilibrium between the various economic systems, it has decided with this object to propose to its Parliament the readjustment of its currency. The Government of the United States, as also the British Government, has welcomed this decision in the hope that it will establish more solid foundations for the stability of international economic relations. The United States Government, as also the British and French Governments, declares its intention to continue to use appropriate available resources so as to avoid as far as possible any disturbance of the basis of international exchange resulting from the proposed readjustment. It will arrange for such consultation for this purpose as may prove necessary with the other two Governments and their authorized agencies.

4. The Government of the United States is moreover convinced, as are also the Governments of France and Great Britain, that the success of the policy set forth above is linked with the development of international trade. In particular it attaches the greatest importance to action being taken without delay to relax progressively the present system of quotas and exchange controls with a view to their abolition.

5. The Government of the United States, in common with the Governments of France and Great Britain, desires and invites the cooperation of the other nations to realize the policy laid down in the present declaration. It trusts that no country will attempt to obtain an unreasonable competitive exchange advantage and thereby hamper the effort to restore more stable economic relations which it is the aim of the three Governments to promote.

STATEMENT OF OCTOBER 13 BY SECRETARY OF THE TREASURY HENRY MORGENTHAU, JR.

Supplementing the announcements, made by him on January 31,³ and February 1, 1934,³ to the effect that the Treasury would buy gold, and on

³ Not printed.

January 31, 1934,⁴ referring to the sale of gold for export, the Secretary of the Treasury states that (hereafter, and until, on 24 hours' notice, this statement of intention may be revoked or altered) the United States will also sell gold for immediate export to, or earmark for the account of, the exchange equalization or stabilization funds of those countries whose funds likewise are offering to sell gold to the United States, provided such offerings of gold are at such rates and upon such terms and conditions as the Secretary may deem most advantageous to the public interest. The Secretary announces herewith, and will hereafter announce daily, the names of the foreign countries complying with the foregoing conditions. All such sales of gold will be made through the Federal Reserve Bank of New York, as fiscal agent of the United States, upon the following terms and conditions which the Secretary of the Treasury deems most advantageous to the public interest:

Sales of gold will be made at \$35 per fine ounce, plus one-quarter percent handling charge, and sales and earmarking will be governed by the regulations issued under the Gold Reserve Act of 1934.

⁴ Not printed.

LOAD LINES

Modification of annex II (6) (a) of convention of July 5, 1930,¹ proposed by the Government of Australia; communicated to the Government of the United States by the Government of the United Kingdom October 22, 1936

Senate advice and consent to ratification June 7, 1937

Ratified by the President of the United States June 16, 1937

Ratification of the United States deposited at London July 12, 1937

Entered into force August 23, 1938²

Proclaimed by the President of the United States December 12, 1938

53 Stat. 1787; Treaty Series 942

MODIFICATION OF ANNEX II OF LOAD LINE CONVENTION

After the words "south of latitude 11° South" in paragraph (6) (a) of the section headed "Seasonal Areas", there shall be added the words "Mackay to be considered as being on the boundary of the 'Seasonal Tropical' and 'Summer' zones."

¹ TS 858, *ante*, vol. 2, p. 1132.

² Date of declaration of acceptance by all parties to convention; for text of declaration issued by Foreign Office at London, see 53 Stat. 1789.

MINIMUM REQUIREMENT OF PROFESSIONAL CAPACITY FOR MASTERS AND OFFICERS ON BOARD MERCHANT SHIPS (ILO CONVENTION NO. 53)¹

Convention adopted by the General Conference of the International Labor Organization at Geneva October 24, 1936

*Senate advice and consent to ratification, with understandings, June 13, 1938*²

*Ratified by the President of the United States, with understandings, September 1, 1938*²

Ratification of the United States registered with the Secretary-General of the League of Nations October 29, 1938

*Entered into force March 29, 1939;*³ *for the United States October 29, 1939*

Proclaimed by the President of the United States September 29, 1939

54 Stat. 1683; Treaty Series 950

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

¹ Also cited as "Officers' Competency Certificates Convention, 1936."

² The U.S. understandings read as follows:

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in this convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' appearing in this convention to mean navigation on the high seas only.

"Nothing in this convention shall be so construed as to prevent the authorities of the United States from making such inspection of any vessel referred to in article V, paragraph within the jurisdiction of the United States, as may be necessary to determine that there has been a compliance with the terms of this convention, or to prevent such authorities from withholding clearance to any such vessel which they find has not complied with the provisions of the convention until such time as any such deficiency shall be corrected.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision."

³ Twelve months after date of registration of second instrument of ratification.

Having decided upon the adoption of certain proposals with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, which is the fourth item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention, adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention, which may be cited as the Officers' Competency Certificates Convention, 1936:

ARTICLE 1

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

- (a) ships of war;
- (b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;
- (c) wooden ships of primitive build such as dhows and junks.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

ARTICLE 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them:

- (a) "master or skipper" means any person having command or charge of a vessel;
- (b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or manoeuvring of a vessel;
- (c) "chief engineer" means any person permanently responsible for the mechanical propulsion of a vessel;
- (d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.

ARTICLE 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigation officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure*.

ARTICLE 4

1. No person shall be granted a certificate of competency unless—

(a) he has reached the minimum age prescribed for the issue of the certificate in question;

(b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and

(c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

(a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;

(b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 (b) of this Article who—

(a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and

(b) have no record of any serious technical error against them.

ARTICLE 5

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.⁴

⁴ For U.S. understandings, see footnote 2, p. 281.

ARTICLE 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

(a) a shipowner, shipowner's agent, master or skipper has engaged a person not certificated as required by this Convention;

(b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;

(c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

ARTICLE 7

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation,⁵ each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 8

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

⁵ TS 874, *ante*, vol. 2, p. 251 (art. 421).

ARTICLE 9

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

ARTICLE 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

ARTICLE 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwith-

standing the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 14

The French and English texts of this Convention shall both be authentic.

LIABILITY OF THE SHIPOWNER IN CASE OF SICKNESS, INJURY, OR DEATH OF SEAMEN (ILO CONVENTION NO. 55)¹

*Convention adopted by the General Conference of the International
Labor Organization at Geneva October 24, 1936*

*Senate advice and consent to ratification, with understandings, June 13,
1938*²

*Ratified by the President of the United States, with understandings,
August 15, 1938*²

*Ratification of the United States registered with the Secretary-General
of the League of Nations October 29, 1938*

*Entered into force October 29, 1939*³

Proclaimed by the President of the United States September 29, 1939

54 Stat. 1693; Treaty Series 951

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the Inter-
national Labour Office, and having met in its Twenty-first Session on 6
October 1936, and

Having decided upon the adoption of certain proposals with regard to the
liability of the shipowner in case of sickness, injury or death of seamen, which
were included in the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Draft
International Convention, adopts, this twenty-fourth day of October of the
year one thousand nine hundred and thirty-six, the following Draft Con-

¹ Also cited as "Shipowners' Liability (Sick and Injured Seamen) Convention, 1936."

² The U.S. understandings read as follows:

"That the United States Government understands and construes the words 'vessels
registered in a territory' appearing in this convention to include all vessels of the United
States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime
navigation' appearing in this Convention to mean navigation on the high seas only.

"That the provisions of this convention shall apply to all territory over which the
United States exercises jurisdiction except the Government of the Commonwealth of the
Philippine Islands and the Panama Canal Zone, with respect to which this Government
reserves its decision."

³ Twelve months after date of registration of second instrument of ratification.

vention which may be cited as the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936:

ARTICLE 1

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of:

- (a) persons employed on board,
 - (i) vessels of public authorities when such vessels are not engaged in trade;
 - (ii) coastwise fishing boats;
 - (iii) boats of less than twenty-five tons gross tonnage;
 - (iv) wooden ships of primitive build such as dhows and junks;
- (b) persons employed on board by an employer other than the shipowner;
- (c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels;
- (d) members of the shipowner's family;
- (e) pilots.

ARTICLE 2

1. The shipowner shall be liable in respect of:

- (a) sickness and injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement;
- (b) death resulting from such sickness or injury.

2. Provided that national laws or regulations may make exceptions in respect of:

- (a) injury incurred otherwise than in the service of the ship;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased person;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

ARTICLE 3

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises:

- (a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances; and
- (b) board and lodging.

ARTICLE 4

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide—

(a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

ARTICLE 5

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable—

(a) to pay full wages as long as the sick or injured person remains on board;

(b) if the sick or injured person has dependants, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide:

(a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to cash benefits under the insurance or compensation scheme;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

ARTICLE 6

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

2. The port to which the sick or injured person is to be returned shall be—

(a) the port at which he was engaged; or

(b) the port at which the voyage commenced; or

(c) a port in his own country or the country to which he belongs; or

(d) another port agreed upon by him and the master or shipowner, with the approval of the competent authority.

3. The expense of repatriation shall include all charges for the transportation, accommodation and food of the sick or injured person during the journey and his maintenance up to the time fixed for this departure.

4. If the sick or injured person is capable of work, the shipowner may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

ARTICLE 7

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical care and maintenance at the shipowner's expense.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

ARTICLE 8

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons to whom this Convention applies.

ARTICLE 9

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

ARTICLE 10

The shipowner may be exempted from liability under Articles 4, 6 and 7 of this Convention in so far as such liability is assumed by the public authorities.

ARTICLE 11

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

ARTICLE 12

Nothing in this Convention shall affect any law, award, custom or agreement between ship-owners and seamen which ensures more favourable conditions than those provided by this Convention.

ARTICLE 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation,⁴ each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;
- (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

⁴ TS 874, *ante*, vol. 2, p. 251 (art. 421).

ARTICLE 14

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

ARTICLE 16

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other members of the Organisation.

ARTICLE 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 18

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

ARTICLE 19

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 20

The French and English texts of this Convention shall both be authentic.

MINIMUM AGE FOR THE ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA (ILO CONVENTION NO. 58)¹

Convention adopted by the General Conference of the International Labor Organization at Geneva October 24, 1936

*Senate advice and consent to ratification, with understandings, June 13, 1938*²

*Ratified by the President of the United States, with understandings, August 15, 1938*²

Ratification of the United States registered with the Secretary-General of the League of Nations October 29, 1938

Entered into force April 11, 1939;³ for the United States October 29, 1939

Proclaimed by the President of the United States September 29, 1939

54 Stat. 1705; Treaty Series 952

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-second Session on 22 October 1936, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to employment at sea adopted by the Conference at its Second Session, the question forming the Agenda of the present Session, and

Considering that these proposals must take the form of a Draft International Convention, adopts, this twenty-fourth day of October of the year

¹ Also cited as "Minimum Age (Sea) Convention (Revised), 1936."

² The U.S. understandings read as follows:

"That the United States Government understands and construes the words 'maritime navigation' appearing in this Convention to mean navigation on the high seas only.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision."

³ Twelve months after date of registration of second instrument of ratification.

one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Minimum Age (Sea) Convention (Revised), 1936:

ARTICLE 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

ARTICLE 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 5

This Convention shall not come into force until after the adoption by the International Labour Conference of a Draft Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Draft Convention revising the Convention concerning the age for admission of children to non-industrial employment, 1932.

ARTICLE 6

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. Subject to the provisions of Article 5 above it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

ARTICLE 8

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

ARTICLE 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwith-

standing the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 12

The French and English texts of this Convention shall both be authentic.

SUBMARINE WARFARE

Procès-verbal signed at London November 6, 1936

Treaty Information Bulletin No. 86,
November 1936, p. 35

PROCÈS-VERBAL RELATING TO THE RULES OF SUBMARINE WARFARE SET FORTH IN PART IV OF THE LONDON NAVAL TREATY OF 1930

Whereas the Treaty for the Limitation and Reduction of Naval Armaments signed in London on the 22nd April, 1930,¹ has not been ratified by all the signatories;

And whereas the said Treaty will cease to be in force after the 31st December, 1936, with the exception of Part IV thereof, which sets forth rules as to the action of submarines with regard to merchant ships as being established rules of international law, and remains in force without limit of time;

And whereas the last paragraph of Article 22 in the said Part IV states that the High Contracting Parties invite all other Powers to express their assent to the said rules;

And whereas the Governments of the French Republic and the Kingdom of Italy have confirmed their acceptance of the said rules resulting from the signature of the said Treaty;

And whereas all the signatories of the said Treaty desire that as great a number of Powers as possible should accept the rules contained in the said Part IV as established rules of international law;

The Undersigned, representatives of their respective Governments, bearing in mind the said Article 22 of the Treaty, hereby request the Government of the United Kingdom of Great Britain and Northern Ireland forthwith to communicate the said rules, as annexed hereto, to the Governments of all the Powers which are not signatories of the said Treaty, with an invitation to accede thereto definitely and without limit of time.

Rules

“(1) In their action with regard to merchant ships, submarines must conform to the rules of International Law to which surface vessels are subject.

¹ TS 830, *ante*, vol. 2, p. 1055.

“(2) In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board.”

Signed in London, the 6th day of November, nineteen hundred and thirty-six.

For the Government of the United States
of America:
ROBERT WORTH BINGHAM

For the Government of the Common-
wealth of Australia:
S. M. BRUCE

For the Government of Canada:
VINCENT MASSEY

For the Government of the French
Republic:
CHARLES CORBIN

For the Government of the United King-
dom of Great Britain and Northern
Ireland:
ANTHONY EDEN
J. RAMSAY MACDONALD
SAMUEL HOARE

For the Government of India:
R. A. BUTLER

For the Government of the Irish Free
State:
JOHN W. DULANTY

For the Government of the Kingdom
of Italy:
DINO GRANDI

For the Government of Japan:
SHIGERU YOSHIDA

For the Government of New Zealand:
W. J. JORDAN

For the Government of the Union of
South Africa:
C. T. TE WATER

[In addition to France and Italy, 37 other states accepted the rules during 1936, 1937, and 1938.]

INTER-AMERICAN SOLIDARITY

Declaration adopted by the Inter-American Conference for the Maintenance of Peace at Buenos Aires December 21, 1936

Report of the Delegation of the United States of America to the Inter-American Conference for the Maintenance of Peace, Buenos Aires, Argentina, December 1-23, 1936 (Washington, U.S. Government Printing Office, 1937), p. 227

DECLARATION OF PRINCIPLES OF INTER-AMERICAN SOLIDARITY AND COOPERATION

The Governments of the American Republics, having considered:

That they have a common likeness in their democratic form of government and their common ideals of peace and justice, manifested in the several Treaties and Conventions which they have signed for the purpose of constituting a purely American system tending towards the preservation of peace, the proscription of war, the harmonious development of their commerce and of their cultural aspirations in the various fields of political, economic, social, scientific and artistic activities;

That the existence of continental interests obliges them to maintain solidarity of principles as the basis of the life of the relations of each to every other American nation;

That Pan Americanism, as a principle of American International Law, by which is understood a moral union of all of the American Republics in defence of their common interests based upon the most perfect equality and reciprocal respect for their rights of autonomy, independence and free development, requires the proclamation of principles of American International Law; and

That it is necessary to consecrate the principle of American solidarity in all non-continental conflicts, especially since those limited to the American Continent should find a peaceful solution by the means established by the Treaties and Conventions now in force or in the instruments hereafter to be executed,

The Inter-American Conference for the Maintenance of Peace

DECLARES:

1. That the American Nations, true to their republican institutions, proclaim their absolute juridical liberty, their unqualified respect for their respective sovereignties and the existence of a common democracy throughout America;

2. That every act susceptible of disturbing the peace of America affects each and every one of them, and justifies the initiation of the procedure of consultation provided for in the Convention for the Maintenance, Preservation and Reestablishment of Peace,¹ signed at this Conference; and

3. That the following principles are accepted by the American community of Nations:

(a) Proscription of territorial conquest and that, in consequence, no acquisition made through violence shall be recognized;

(b) Intervention by one State in the internal or external affairs of another State is condemned;

(c) Forcible collection of pecuniary debts is illegal; and

(d) Any difference or dispute between the American nations, whatever its nature or origin, shall be settled by the methods of conciliation, or unrestricted arbitration, or through operation of international justice.

¹ TS 922, *post*, p. 338.

POSTAL UNION OF THE AMERICAS AND SPAIN

*Convention and final protocol signed at Panama December 22, 1936¹
Ratified and approved by the Postmaster General of the United States
August 12, 1937*

*Approved by the President of the United States August 20, 1937
Ratification of the United States deposited at Panama September 17,
1937*

Entered into force October 1, 1937

Terminated by convention of September 25, 1946²

50 Stat. 1657; Post Office Department print

[TRANSLATION]

CONVENTION

concluded between Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, the Dominican Republic, Ecuador, El Salvador, Spain, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries above enumerated, assembled in Congress in the city of Panama, Republic of Panama, making use of the right granted them by Article 5 of the Convention of the Universal Postal Union in force, and inspired by the desire to extend and perfect their postal relations and establish a solidarity of action capable of representing effectively in Universal Postal Congresses their common interests in regard to communications by mail, have determined to conclude, subject to ratification, the following Convention:

ARTICLE 1

Postal Union of the Americas and Spain

The contracting countries, in accordance with the foregoing declaration, constitute, under the name of *Postal Union of the Americas and Spain*, a single postal territory.

¹ For text of regulations for execution of the convention, see 50 Stat. 1681; for text of 11 resolutions of the Fourth Pan American Postal Congress, see 50 Stat. 1691.

² *Post*, vol. 4.

ARTICLE 2

Restricted Unions

1. The contracting countries, whether on account of their adjacent location or on account of the intensity of their postal relations, may establish closer unions among themselves, with a view to the reduction of rates or the introduction of other improvements in any of the services referred to in the present Convention or in the special Agreements concluded by this Congress.

2. Likewise, concerning matters not provided for in the present Convention, or in that of the Universal Postal Union, the signatory countries may adopt among themselves such resolutions as they deem necessary, through correspondence, or, if necessary, by establishing a special Agreement, in accordance with the authorization conferred upon them by the present Article or their domestic legislation.

ARTICLE 3

Free and gratuitous transit

1. The gratuity of territorial, fluvial and maritime transit is absolute in the territory of the Postal Union of the Americas and Spain; consequently, the countries which form it obligate themselves to transport across their territories, and to convey by the ships of their registry or flag which they utilize for the transportation of their own correspondence, without any charge whatsoever to the contracting countries, all that which the latter send to any destination.

2. In cases of reforwarding, the contracting countries are bound to reforward the correspondence by the ways and means which they utilize for their own dispatches.

ARTICLE 4

Articles of correspondence

1. The provisions of this Convention will apply to letters, single and reply post cards, prints of all kinds, commercial papers, samples without value, small packets, insured articles and small insured articles.

2. The services of small packets, insured articles and small insured articles are limited to countries which agree to execute them, either in their reciprocal relations or in one direction only.

ARTICLE 5

Postage rates

1. The postage rates of the domestic service of each country will govern in the relations of the countries which constitute the Postal Union of the Americas and Spain, except when said domestic rates are higher than those applicable to correspondence destined for countries of the Universal Postal Union, in which case the latter will govern.

2. The international rates will also govern when it is a question of services which do not exist in the domestic régime.

3. For small packets and small insured articles, respectively, the rates will govern which are mentioned in Articles 6 and 7 of this Convention.

ARTICLE 6

Small packets

1. In the optional service of small packets mentioned in Article 4 of this Convention, no article may weigh more than one kilogram, or contain objects whose mercantile value at the place where they are mailed exceeds the value of 10 gold francs or the equivalent thereof in money of the country of origin.

2. Administrations which execute the service of small packets created by the Universal Convention will not be obliged to observe, in their reciprocal relations, any provision in conflict with the stipulations of the Universal Convention relating to small packets.

3. Small packets of any kind exchanged between countries of the Postal Union of the Americas and Spain, in view of the fact that they are not liable to payment of transit charges, will be prepaid at the rates adopted in each country for parcels in its domestic service, or the Administrations may apply to such small packets the rates prescribed by the Universal Postal Convention.

4. The Administrations of destination may submit small packets to customs handling in accordance with the provisions of their domestic legislation.

5. The Administrations of the countries of destination may collect from the addressees of small packets:

(a) A fee of 50 centimes of a gold franc at most for the operations, formalities and handling involved in customs clearance;

(b) A fee which may not exceed 15 centimes of a gold franc for the delivery of each packet; that fee may be increased to 30 centimes of a gold franc at most in case of delivery at the addressee's residence.

6. When small packets are considered by the customs of the country of destination as exempt from payment of customs duties, the delivery fees provided for in paragraph (b) of Section 5 of this Article will not be applicable.

ARTICLE 7

Small insured articles

1. As an optional measure, and under the denomination of *small insured articles*, letters may be exchanged between the contracting countries which contain paper money or valuable papers, the contents being insured up to the amount of the declared value, which will be 50 gold francs at most for each letter.

The other articles mentioned in Article 4 of this Convention may also be accepted in this service, with the exception of small packets.

2. Postage on the small insured articles mentioned in the preceding Section shall be fully prepaid by the sender, and will be composed, for each article:

(a) Of the postage and the fixed fee applicable to a registered article in the domestic service of each country;

(b) Of an insurance fee of 10 gold centimes for each 10 gold francs or fraction of declared value.

3. The declared value must be equal to the actual value of the article. The amount of the declaration for documents which represent a value by reason of the cost of their preparation may not exceed the actual expense of replacing said documents in case of loss.

4. Administrations which execute the service of small insured articles will be responsible for loss or damage of such articles, up to the amount of the actual value of the damage done, but not exceeding 50 gold francs.

5. Administrations of the Postal Union of the Americas and Spain which do not execute the service of small insured articles will nevertheless assume, for the transit of such articles in closed mails, the responsibility provided for in the said Union for registered correspondence.

6. The contracting countries which desire to execute the service of small insured articles, and which are already signatories of the Insurance Agreement of the Universal Postal Union, will apply the Universal rate for insured letters in their reciprocal relations only when the value is in excess of 50 gold francs.

7. Administrations which agree to execute the service of small insured articles will make the necessary arrangements for extending that service as far as possible to all offices of their respective countries.

8. In the absence of agreement to the contrary for the exchange of the small insured articles mentioned in this Article, offices of the contracting Administrations may employ the covers and other forms used in their domestic service, it being permissible to word bulletins of verification, reports, way-bills, as well as all notations made on these and other documents relative to small insured articles, in the language of each country.

ARTICLE 8

Reply coupons

1. The selling-price to the public of each reply coupon under the Postal Union of the Americas and Spain is 20 centimes of a gold franc or the equivalent thereof in money of the country which issues them.

2. Each coupon is exchangeable, in any of the countries which form this Union, for postage stamps equal to 15 centimes of a gold franc in money of the country which exchanges it.

3. The balance of 5 centimes remains in favor of the issuing Administration.

4. A special model of reply coupon is established in the Postal Union of the Americas and Spain, to be printed and sold to the countries composing that Union by the International Office of Montevideo.

ARTICLE 9

Registered correspondence—Responsibility

1. The articles designated in Article 4 may be sent under registration upon payment of a fee equal to that established in the domestic service of the country of origin, except when the domestic fee is higher than that applicable under the Universal Postal Convention, in which case the latter will govern.

2. Save in cases of *force majeure*, the contracting Administrations will be responsible for the loss of every registered article. The sender will be entitled to an indemnity which may in no case exceed ten gold francs or the equivalent thereof in money of the country which must pay it.

3. Nevertheless, Administrations will be relieved of responsibility for loss of registered articles whose contents fall under the prohibitions mentioned in Article 15 of the present Convention, or which are prohibited by the laws and regulations of the country of origin or of destination, provided that said country has given due notice by the usual means.

4. There is established, as optional, a special category of registers without right to indemnity, applicable to books, periodicals and other prints, commercial papers, and samples without value, subject to payment, in addition to the ordinary postage, of a reduced fee whose amount will be fixed by the Administrations concerned. The service of this new type of registered articles is limited to the exchange with the Administrations which have agreed to execute it. In order to indicate their special character, the articles shall be designated by the initials *S. I.* (*Sin indemnización*—without indemnity), the same notation being made in the *Observations* column of the descriptive lists, as well as on tracers sent in order to investigate their disposal.

5. Nevertheless, Administrations which adopt, in a general manner, a reduced registration fee for all articles other than letters and post cards, will not be obliged to observe the formalities prescribed by the last part of the preceding Section.

ARTICLE 10

Obligatory prepayment

1. With the exception of letters in their usual and ordinary form, complete prepayment of all classes of correspondence, including sealed packages, is declared obligatory.

2. Sealed packages, as well as other articles not prepaid or insufficiently

prepaid, will be held at the office of origin, which will dispose of them in the manner prescribed by its domestic legislation.

3. Insufficiently prepaid letters will give rise to the collection from the addressee of a charge equivalent to twice the amount of the missing postage.

4. Newspapers, magazines and periodical publications accepted in the country of origin under the *postage paid* service will be delivered in the country of destination without collecting any charge.

ARTICLE 11

Weight and dimensions

The limits of weight and dimensions of the various articles of correspondence will conform to those fixed therefor by the Universal Postal Convention in force, with the exception of prints, whose weight will be fixed at 5 kilograms, or even as much as 10 kilograms when it is a question of works in a single volume. However, in regard to the acceptance of articles with a weight greater than 5 but not exceeding 10 kilograms, when it is not a question of works in a single volume, a previous agreement will be made between the Administrations concerned.

ARTICLE 12

Undelivered articles

Ordinary post cards, prints, and samples without value, which have not been delivered for any reason will be destroyed or treated in accordance with the domestic legislation of the country of destination, unless they bear a request for return and also the name and address of the sender, in which case they will be returned to the country of origin.

ARTICLE 13

Franking privilege

1. The contracting parties agree to grant the franking privilege, both in their domestic service and in the Americo-Spanish service:

(a) To correspondence relative to the postal service exchanged between Administrations of the Postal Union of the Americas and Spain; between those Administrations and the International Office of Montevideo; between the same Administrations and the Transfer Office of Panama; between the latter and the aforesaid International Office; between post offices of Americo-Spanish countries and between those offices and the Postal Administrations of the countries mentioned;

(b) To correspondence of members of the Diplomatic Corps of the signatory countries;

(c) To official correspondence which Consuls send to their respective countries; to that which they exchange among themselves; to that which

they address to the Government of the country in which they are accredited, and to that which they exchange with their respective Embassies and Legations, whenever reciprocity exists;

(d) The franking privilege will be enjoyed by newspapers, periodical publications, books, pamphlets and other prints sent by publishers or authors to Information Offices established by Postal Administrations of the Postal Union of the Americas and Spain, as well as those sent free of charge to libraries and other national cultural centers officially recognized by the Governments of the countries forming this Union;

(e) To official correspondence sent and received by the Pan American Union in Washington.

2. Official correspondence of the Central Governments of the countries of the Postal Union of the Americas and Spain which circulates free in their domestic service under their domestic legislation is admitted to the same franking privilege in the country of destination without the collection of any charge thereby, whenever strict reciprocity is observed.

3. The franking privilege will also be enjoyed by correspondence of National Commissions of Intellectual Cooperation set up under the auspices of the Governments in accordance with Pan American and Universal Conventions in force.

4. The franking privilege granted to Consuls by Section 1, letter (c), will be extended to Vice-Consuls when the latter are discharging the functions of Consuls.

5. The correspondence referred to by paragraphs (a), (b) and (c) of Section 1 may also be sent free of postage under registration, but without right to indemnity in case of loss, rifling or damage.

6. The exchange of correspondence of the Diplomatic Corps, between the Secretaries of State of the respective countries and their Embassies or Legations, will have a reciprocal character among the contracting countries, and will be effected in open mail or by means of diplomatic pouches, in accordance with the provisions of Article 106 of the Regulations of Execution.³ These pouches will enjoy the franking privilege and all safeguards of official dispatches.

7. The franking privilege dealt with in the present Article will not be applicable in the air service or in other special services existing in the Americo-Spanish régime or in the domestic services of the contracting countries.

ARTICLE 14

Reduction of rates

Articles exchanged by Directors of National Primary Schools and similar institutions of countries of the Postal Union of the Americas and Spain will

³ See footnote 1, p. 302.

enjoy a special rate equivalent to 50% of the ordinary rate, whenever their net weight does not exceed one kilogram and they comply with the conditions fixed for their postal classification.

Correspondence of an epistolary nature is excepted.

ARTICLE 15

Prohibitions

1. Without prejudice to the provisions of the Universal Postal Convention in force and of the domestic legislation of any country regarding restrictions on the circulation of correspondence, the following will not be forwarded:

(a) Publications endangering public safety and order.

(b) Any publication containing ideas or imputations injurious to the legally constituted régime.⁴

(c) Pornographic publications, and any other writings or publications whose text is considered offensive to morals and good customs.

(d) Correspondence of any nature having for its object the commission of frauds, swindles or any kind of crimes against property or persons. To that end, the provisions of the domestic legislation of each country will be followed.

(e) That which has for its fundamental object the diffusion among the people of communistic doctrines.⁴

(f) Correspondence containing money in cash, bank notes, or values payable to the bearer, whether it is a question of ordinary or registered correspondence, in the absence of agreement to the contrary between the Administrations concerned.

2. If, notwithstanding the provisions of paragraph (f), dispatch is given, through error or otherwise, to the articles referred to therein, the Administrations of the countries of destination are authorized to deliver them to their respective addressees if their domestic legislation permits, subject to the requirements provided for thereby; otherwise, the articles will be returned to the Administration of origin.

ARTICLE 16

Special services

The high contracting parties may, on the basis of special agreements or by correspondence, extend to the other countries of the Postal Union of the Americas and Spain such postal services as they carry on or may in the future establish within their respective countries.

⁴ For text of a reservation made in the final protocol by the United States and several other countries, see p. 317.

ARTICLE 17

Postage paid service

The contracting countries will have the option of adopting the *Postage paid* service for the transmission of newspapers or periodical publications, open or in bundles, including those for propaganda or purely commercial advertising, provided that a reduced rate is not applied to the latter.

ARTICLE 18

Service forms sent by air mail

The forms provided for in the Regulations of Execution of the Universal Postal Convention for requests for return or change of address, as well as those relative to inquiries about any article of correspondence, may be sent by air mail.

Such forms will be forwarded by air mail only when they are inclosed in an envelope duly prepaid as airmail correspondence, the Administrations being authorized to collect, for that purpose, the postage and surcharges necessary for such prepayment.

The forms so transmitted will bear a note relative to the fact at the top of the front. They will be considered as urgent in character, and will therefore be given preferential treatment by the Administrations concerned.

ARTICLE 19

Official language

Spanish is adopted as the official language for matters relative to the postal service. Nevertheless, countries whose language is not this may use their own.

ARTICLE 20

Protection and exchange of postal functionaries

1. The Administrations of the contracting countries will be obliged to lend mutually, upon request, the cooperation required by their employees charged with the transportation of correspondence in transit through such countries, and likewise will furnish all manner of facilities to such functionaries as one Administration may agree to send to any other to carry on studies regarding the development and perfection of postal services.

2. The Administrations, through the intermediary of the International Office of Montevideo, will come to agreements to effect an annual exchange of functionaries of similar grades, for a period of stay not exceeding two months.

3. Once that the exchange is agreed upon between two Administrations, the latter will decide upon the manner in which the relative expenses are to be shared, at the initiative and through the intermediary of the International Office of Montevideo.

ARTICLE 21

International Transfer Office

1. There shall continue to exist in the Republic of Panama an International Transfer Office, which is charged with receiving and forwarding all mail dispatches originating in Administrations of the Union which do not have their own service in the Isthmus which, upon passing in transit through the same, give rise to transfer operations.

2. Said Office will function in accordance with the Regulations agreed upon between the International Office of the Postal Union of the Americas and Spain and the Postal Administration of Panama.

3. Amendments which at any time may have to be made in the aforesaid Regulations will be submitted by the Administrations concerned to the International Office at Montevideo for consideration in order that they may be proposed to the Postal Administration of Panama through its mediation.

4. The organization and operation of the International Transfer Office are subject to supervision and control by the Administration of Posts and Telegraphs of Panama and the International Office of the Postal Union of the Americas and Spain with headquarters in Montevideo, upon which latter it is incumbent to act as mediator and arbitrator in any dispute arising between the Postal Administration of Panama and countries which utilize the services of said Office.

5. The personnel attached to the service of the aforesaid Office will be designated by the Administration of Posts and Telegraphs of Panama, and will be considered permanent, in accordance with the provisions established by the Regulations of the Office concerning it.

6. The expenses to which the maintenance of this Office gives rise will be borne by the countries which utilize its services, divided proportionally to the number of sacks which they exchange through its intermediary.

The Administration of Panama will advance the necessary funds for the maintenance of prompt services by the Office.

Said amounts will be repaid quarterly by each Administration concerned, but repayments which are not made within a period of six months after the expiration of each quarter will bear interest at the rate of 5% a year, for the purpose of increasing the maintenance funds of the Transfer Office.

ARTICLE 22

Arbitration

Every conflict or disagreement arising in the postal relations of the contracting countries will be settled by arbitration, which will be effected in the manner prescribed by the Convention of the Universal Postal Union in force. The designation of arbitrators shall be incumbent upon the signatory countries, with the intervention of the International Office of the Postal Union of the Americas and Spain, if necessary.

ARTICLE 23

International Office of the Postal Union of the Americas and Spain

1. With the name of *International Office of the Postal Union of the Americas and Spain*, there functions in Montevideo, under the general supervision of the Administration of Posts of the Oriental Republic of Uruguay, a Central Office which serves as an organ of liaison, information and consultation for countries of the Union.

2. This Office will be charged with:

(a) Assembling, co-ordinating, publishing and distributing information of all kinds which specially concerns the Americo-Spanish postal service.

(b) Giving, at the express request of the parties concerned, its opinion on disputed questions.

(c) Giving, on its own initiative or at the request of any of the Administrations of the signatory countries, its opinion on all matters of a postal character which affect or relate to the general interests of the Postal Union of the Americas and Spain.

(d) Making known requests for modification of Acts of the Congress which are formulated, and giving notice of changes which are adopted.

(e) Making known the results obtained from the regulatory provisions and measures of importance which the Administrations adopt in their domestic service, which are communicated to it by the same Administrations as information.

(f) Distributing postal maps and guides which the respective Administrations send it, as well as collecting the necessary data to prepare and distribute a map indicating the airmail lines of the Americas and Spain.

(g) Making a summary of Americo-Spanish postal statistics, on the basis of data which each Administration communicates to it annually.

(h) Publishing a report relative to the most rapid routes for transmission of correspondence from one of the contracting countries to another.

(i) Preparing a table giving in detail all maritime services dependent upon countries of the Postal Union of the Americas and Spain which may be utilized gratuitously for the transportation of their correspondence, under the conditions laid down by Article 3 preceding.

(j) Publishing the tariff of postage rates of the domestic service of each of the countries concerned, and the table of equivalents.

(k) Publishing and distributing among the countries of the Postal Union of the Americas and Spain, annually, a report of the work which it performs.

(l) Carrying out studies and works requested of it in the interests of the contracting countries, relative to work of social, economic and artistic co-operation, for which purpose the International Office will always be at the disposal of said countries, to furnish them any special information which they require on matters relative to the Americo-Spanish postal service.

(m) Taking part and collaborating in the organization and convening of Congresses and Conferences of the Postal Union of the Americas and Spain.

(n) Distributing among the Administrations of the Postal Union of the Americas and Spain the postal laws and regulations of each; said Administrations accordingly being obligated to furnish the Office mentioned twenty-five copies of the laws and regulations in question.

3. The special expenses arising from the preparation of the Annual Report and the Table of Postal Communications of the contracting countries, and those arising on account of meetings of Congresses or Conferences, will be shared by the Administrations of said countries in accordance with the classes established in Article 111 of the Regulations of Execution.

The expenses in connection with the holding of such Congresses and Conferences will be fixed on each occasion by the Administration of Posts of the Oriental Republic of Uruguay, by agreement with the International Office of Montevideo.

4. The Administration of Posts of Uruguay will supervise the expenses of the International Office of the Postal Union of the Americas and Spain, and will make to it the advances which it requires.

5. The amounts advanced by the Administration of Uruguay in accordance with the foregoing Section will be repaid by the debtor Administrations as soon as possible, and, at the latest, before six months from the date on which the country concerned receives the account formulated by the Administration of Posts of Uruguay. After that date, the amounts due will bear interest at the rate of 5% a year, counting from the date of expiration of the said period.

6. The contracting countries are bound to include in their budgets an annual amount destined to take care promptly of the payment of their contributive quotas.

ARTICLE 24

Congresses

1. Congresses will meet at least every five years, counting from the date on which the Convention concluded by the last one becomes effective.

2. Each Congress will fix the place and year in which the next one shall convene.

ARTICLE 25

Propositions in the interval between meetings

The present Convention may be modified in the interval between Congresses, following the procedure established in the Universal Postal Convention in force. In order to become effective, modifications must obtain unanimity of votes for the present Article and Articles 1, 2, 3, 4, 5, 8, 9, 12, 13, 18, 21, 22, 23, 24, 26, 28, 29, 30 and 31; two-thirds of the votes for Articles 10, 14 and 15; and a simple majority for the rest.

ARTICLE 26

Modifications and amendments

Modifications or resolutions adopted by the contracting parties, even those of a domestic order which affect the international service, will become effective four months after the date of the relative notice from the International Office of the Postal Union of the Americas and Spain.

ARTICLE 27

Application of Universal Postal Convention and domestic legislation

1. All matters in connection with the exchange of correspondence among the contracting countries which are not provided for in this Convention will be subject to the stipulations of the Universal Postal Convention in force and its Regulations; and, in turn, that which is not covered by these last two will form the subject of special agreements between the Administrations concerned.

2. Likewise, the domestic legislation of the said countries will apply to everything which has not been provided for in either Convention.

ARTICLE 28

Propositions for Universal Congresses

All the countries forming the Postal Union of the Americas and Spain will advise one another, through the intermediary of the International Office at Montevideo, of the propositions which they formulate for Universal Postal Congresses, six months in advance of the date on which they are to be held.

ARTICLE 29⁵*Unity of action in Universal Postal Congresses*

The countries signatory to the Americo-Spanish Postal Convention which have ratified the same or put it into force administratively obligate themselves to instruct their delegates to Universal Postal Congresses to sustain unanimously and firmly all principles established in the Postal Union of the Americas and Spain, and also to vote in accordance with those postulates, except only in cases where the propositions to be debated affect only the countries proposing them.

ARTICLE 30

Preliminary Conferences

1. In connection with Article 28, the Delegates of the countries composing the Postal Union of the Americas and Spain, prior to Universal Postal Congresses, shall assemble in the city designated as the seat of the Congress fifteen

⁵ For text of a U.S. reservation contained in the final protocol, see p. 317.

days before the date of inauguration thereof, in order to hold a preliminary conference, at which the procedure of joint action to be followed will be determined.

2. At the proper time before the meeting of Universal Congresses, the International Office of the Postal Union of the Americas and Spain will invite all the Administrations composing that Union to hold the preliminary conferences mentioned in the preceding Section; and the Director of the International Office of Montevideo is charged with organizing those conferences and attending them.

ARTICLE 31

New adherences

In case of a new adherence, the Government of the Oriental Republic of Uruguay, by common consent with the Government of the country concerned, will determine the class in which said country is to be included, for purposes of sharing the expenses of the International Office.

ARTICLE 32

Effective date and duration of Convention and deposit of ratifications

1. The present Convention will become effective October 1, 1937, and will remain in force without time-limit, each of the contracting parties reserving the right to withdraw from this Union by means of notice given by its Government to that of the Oriental Republic of Uruguay one year in advance.

2. The deposit of ratifications will be effected in the city of Panama, Republic of Panama, as soon as possible, preferably before the effective date of the Convention and Agreements in question, and the relative certificate will be made up for each of them, a copy of which will be sent by the Government of the Republic of Panama, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Postal Convention of the Americas and Spain sanctioned at Madrid on November 10, 1931,⁶ are abrogated, beginning with the date on which the present Convention enters into force.

4. In case that the Convention is not ratified by one or more of the contracting countries, it will nevertheless be valid for those which have ratified it.

5. The contracting countries may ratify the Convention and Agreements provisionally, by correspondence, giving notice thereof to the respective Administrations through the medium of the International Office, without prejudice to the fact that, according to the legislation of each country, and after approval by the National Congresses, it may be confirmed through diplomatic channels.

⁶ *Ante*, p. 34.

In faith of which, the Plenipotentiaries of the Governments of the countries above named sign the present Convention in the city of Panama, Republic of Panama, on the 22d day of the month of December, 1936.

For Argentina:

LUIS S. LUTI

For Bolivia:

JORGE E. BOYD

For Brazil:

LEONIDAS DE SIQUEIRA MENESES

JAYME DÍAS FRANÇA

JULIO SÁNCHEZ PÉREZ

For Canada:

PETER T. COOLICAN

F. E. JOLLIFFE

For Colombia:

ALFONSO PALACIO RUDAS

For Costa Rica:

ENRIQUE FONSECA ZÚÑIGA

For Cuba:

CARLOS A. VASSEUR

For Chile:

SILVERIO BRAÑAS

MIGUEL A. PARRA

For the Dominican Republic:

MANUEL DE J. QUIJANO

For Ecuador:

VICTORIANO ENDARA A.

VICTOR M. NARANJO

For El Salvador:

JOSÉ E. ARJONA

For Spain:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For the United States of America:

For Harlee Branch:

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

For Guatemala:

TOMÁS ARIAS

For Haiti:

ANDRÉ FAUBERT

For Honduras:

ALBERTO ZÚÑIGA

For Mexico:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For Nicaragua:

ADOLFO ALTAMIRANO BROWNE

For Panama:

JOSÉ E. ARJONA

JUAN B. CHEVALIER

JUAN BRIN

CARLOS ORTIZ R.

TOMÁS H. JÁCOME

MANUEL DE J. QUIJANO

ANGELO FERRARI

For Paraguay:

LUIS S. LUTI

For Peru:

AUGUSTO S. SALAZAR

ERNESTO CÁCERES B.

For Uruguay:

HUGO V. DE PENA

For Venezuela:

FRANCISCO VÉLEZ SALAS

CARLOS HARTMANN

FINAL PROTOCOL OF THE CONVENTION

At the moment of signing the Convention concluded by the Fourth Americo-Spanish Postal Congress, the undersigned Plenipotentiaries have agreed upon the following:

I

The United States of America reserves the right, as a transitory measure, to maintain its present rates for countries of the Postal Union of the Americas and Spain which may be higher than those of its domestic service.

II

In connection with Article 29 of the Convention, the United States of America reserves complete liberty of action in Congresses of the Universal Postal Union.

III

Each of the contracting countries undertakes to maintain the privileges enjoyed at present by ships of other countries of the Postal Union of the Americas and Spain which transport mails free of charge, as well as to grant them in the future all privileges which it grants to ships of any other country which perform such service.

IV

Bolivia, Canada, Colombia, the United States of America, Spain, Mexico and Panama declare that they make a positive reservation in the sense that they do not accept the provisions of paragraphs (b) and (e) of Article 15 of the Convention, since it is a question of matters extraneous to the nature of Postal Congresses, which pertain exclusively to the domestic legislation of each country.

V

With reference to Section 1 of Article 21, the Republic of Bolivia reserves complete freedom of action in regard to utilization of the services of the International Transfer Office.

VI

Canada makes a reservation to the effect that it can not accept the provisions of paragraphs (d) and (e) of Section 1 of Article 13, and of Sections 2, 3 and 6 of the same Article.

Done at Panama on the 22d day of December, 1936.

For Argentina:

LUIS S. LUTI

For Bolivia:

JORGE E. BOYD

For Brazil:

LEONIDAS DE SIQUEIRA MENESES

JAYME DIAS FRANÇA

JULIO SÁNCHEZ PÉREZ

For Canada:

PETER T. COOLICAN

F. E. JOLLIFFE

For Colombia:

ALFONSO PALACIO RUDAS

For Costa Rica:

ENRIQUE FONSECA ZÚÑIGA

For Cuba:

CARLOS A. VASSEUR

For Chile:

SILVERIO BRAÑAS

MIGUEL A. PARRA

For the Dominican Republic:

MANUEL DE J. QUIJANO

For Ecuador:

VICTORIANO ENDARA A.

VICTOR M. NARANJO

For El Salvador:

JOSÉ E. ARJONA

For Spain:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For the United States of America:

For Harlee Branch:

JOHN E. LAMIELL

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STEWART M. WEBER

For Guatemala:

TOMÁS ARIAS

For Haiti:

ANDRÉ FAUBERT

For Honduras:

ALBERTO ZÚÑIGA

For Mexico:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For Nicaragua:

ADOLFO ALTAMIRANO BROWNE

For Panama:

JOSÉ E. ARJONA

JUAN B. CHEVALIER

JUAN BRIN

CARLOS ORTIZ R.

TOMÁS H. JÁCOME

MANUEL DE J. QUIJANO

ANGELO FERRARI

For Paraguay:

LUIS S. LUTI

For Peru:

AUGUSTO S. SALAZAR

ERNESTO CÁCERES B.

For Uruguay:

HUGO V. DE PENÁ

For Venezuela:

FRANCISCO VÉLEZ SALAS

CARLOS HARTMANN

[For text of regulations for execution of the convention, see 50 Stat. 1681;
for text of 11 resolutions of the Fourth Pan American Postal Congress, see
50 Stat. 1691.]

POSTAL UNION OF THE AMERICAS AND SPAIN: PARCEL POST

Agreement and final protocol signed at Panama December 22, 1936

*Ratified and approved by the Postmaster General of the United States
August 12, 1937*

Approved by the President of the United States August 20, 1937

*Ratification of the United States deposited at Panama September 17,
1937*

Entered into force October 1, 1937

*Articles 3, 4, and 8 amended August 14, 1941,¹ by Brazilian proposal of
July 2, 1940*

Terminated by agreement of September 25, 1946²

50 Stat. 1696; Post Office Department print

[TRANSLATION]

AGREEMENT RELATIVE TO PARCEL POST

concluded between Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, the Dominican Republic, Ecuador, El Salvador, Spain, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries above mentioned, in exercise of the option conferred by Article 5 of the Universal Postal Convention in force, agree, subject to ratification, to the establishment of parcel-post service in accordance with the following provisions:

¹ Three months from date of notification from Government of Uruguay to U.S. Government regarding approval of amendments by all parties. A translation of the Uruguayan note reads as follows:

“LEGATION OF URUGUAY,
Washington, D.C.

“MR. SECRETARY OF STATE:

“I have the honor to inform Your Excellency that I have received instructions from my Government to bring the following to the knowledge of Your Excellency:

“The Director of the International Office of the Postal Union of the Americas and Spain, with headquarters at Montevideo, has notified this Chancellery that the amendments to
(Footnote 1 continued on following page)

² TIAS 1681, *post*, vol. 4.

ARTICLE 1

Object of Agreement

1. Under the denomination of *parcel post* (*Encomienda postal*, *Paquete postal* or *Bulto postal*), this class of mail matter may be sent from any one of the above-mentioned countries to any other of them.

2. The sender of a parcel may register it by paying, in addition to the postage, the same registration fee as has been fixed by the country of origin.

3. Parcels may be sent insured or collect-on-delivery, when the adhering countries agree to adopt these types of service in their reciprocal relations.

4. The dispatch of such parcels in containers in good condition, properly fastened, will be obligatory.

ARTICLE 2

Transit

1. Liberty of transit is guaranteed over the territory of every one of the contracting countries. Consequently, the various Administrations may use the intermediary of one or more countries for the reciprocal exchange of parcels.

2. Parcels will be sent in closed mails, or in open mail when the Administrations concerned have so agreed, and shall be forwarded by the most

the Agreement relative to Parcel Post signed at Panamá on December 22, 1936, proposed by the Department of Mails and Telegraphs of Brazil, have been approved by the unanimous vote of the parties concerned. The Brazilian proposal was sent to all the administrations of the Postal Union of the Americas and Spain by circular note number 4390, of July 2, 1940.

"Articles 3, 4 and 8 of the Panama Parcel-Post Agreement are worded in the following way:

"ARTICLE 3, NUMBER 2: [The division of weight for parcels will be the following:] Up to 1 kilogram; from 1 to 3 kilograms; from 3 to 5 kilograms; from 5 to 10 kilograms; from 10 to 15 kilograms; from 15 to 20 kilograms.

"ARTICLE 4, NUMBER 2: The rates of origin, transit and destination are fixed for each country in gold francs or their equivalent, as follows: 25 centimes for parcels up to 1 kilogram; 40 centimes for parcels from 1 to 3 kilograms; 50 centimes for parcels from 3 to 5 kilograms; 100 centimes for parcels from 5 to 10 kilograms; 150 centimes for parcels from 10 to 15 kilograms; 200 centimes for parcels from 15 to 20 kilograms.

"ARTICLE 8, NUMBER 1, PARAGRAPH 2: The sender will be entitled on that account to an indemnity equivalent to the actual amount of loss, rifling or damage. This indemnity may not exceed: 10 gold francs for each parcel up to 1 kilogram; 15 gold francs for each parcel from 1 to 3 kilograms; 25 gold francs for each parcel from 3 to 5 kilograms; 40 gold francs for each parcel from 5 to 10 kilograms; 55 gold francs for each parcel from 10 to 15 kilograms; 70 gold francs for each parcel from 15 to 20 kilograms.

"The changes adopted will not take effect for at least three months after notification thereof (Article 23 of the Universal Postal Convention).

"The provisions of Article 13 of the said Agreement having been complied with, and in virtue of Article 22 of the Convention of the Universal Postal Union, which applies in this case, the Government of Uruguay must make known to the other Governments the amendments approved, so that they may take effect accordingly.

"Accept [etc.]

"May 14, 1941."

J. RIGHLING

rapid land and sea routes which are utilized for their own mails by the countries participating in the transportation.

3. The dispatching Administrations will be obliged to send a copy of the parcel bills to each of the intermediary Administrations, when the dispatches are sent in closed-mail transit.

ARTICLE 3³

Weight and dimensions

1. The maximum weight of each parcel will be 20 kilograms, the Administrations remaining at liberty to limit it to 10, when the capacity of their domestic service makes that measure necessary, previous notice being given to the other signatory countries through the intermediary of the International Office of Montevideo.

2. The divisions of weight for parcels will be the following:

- Up to 1 kilogram;
- From 1 to 5 kilograms;
- From 5 to 10 kilograms;
- From 10 to 15 kilograms;
- From 15 to 20 kilograms.

3. The maximum dimensions for parcels will be fixed by the Agreement of the Universal Postal Union in force relative to this service. Nevertheless, the contracting Administrations may, after obtaining the consent of the intermediary countries, accept parcels with other limits of dimensions.

4. Bulky parcels, i. e., those exceeding 1.05 meters in any direction, will be accepted only in relations between countries which are willing to effect their transportation by special agreement.

ARTICLE 4³

Postage rates and payments

1. The postage on parcels exchanged under this Agreement is composed only of the sum of the rates of origin, transit and destination. If necessary, the maritime rates provided for by the Agreement of the Universal Postal Union in force concerning the exchange of parcel post will be added.

2. The rates of origin, transit and destination are fixed for each country, in gold francs or their equivalent, as follows:

- 25 centimes for parcels up to 1 kilogram;
- 50 centimes for parcels from 1 to 5 kilograms;
- 100 centimes for parcels from 5 to 10 kilograms;
- 150 centimes for parcels from 10 to 15 kilograms;
- 200 centimes for parcels from 15 to 20 kilograms.

³ For an amendment of 1941, see footnote 1, p. 319.

3. However, the contracting Administrations will have the option of increasing these rates up to double their amount.

4. Administrations which, in the Universal service, are specially authorized to increase the rates set forth in the two preceding Sections, may also make use of such authorization in the Americo-Spanish service.

5. Notwithstanding the provisions of the foregoing Sections, no contracting Administration will be obliged to fix a rate lower than that which it has established for this class of articles in its domestic service.

6. The Administration of origin will credit each of the Administrations taking part in the transportation, including that of destination, with the corresponding charges, in accordance with the provisions of the foregoing Sections.

7. The International Office will publish and distribute the table of land-transit rates and those of origin and destination payable to each Administration, keeping it up to date by means of supplements.

ARTICLE 5

Customs-clearance, delivery, storage and other charges

1. The Administrations of destination may collect from the addressees of parcels:

(a) A fee of 50 centimes of a gold franc or the equivalent thereof, as a maximum, for the operations, formalities and transactions in connection with customs handling;

(b) A fee of 50 centimes of a gold franc or the equivalent thereof, as a maximum, for the transmission and delivery of each parcel to the address of the addressee.

When parcels are not delivered at the address of the addressee, the latter shall be advised of their arrival. In this case, Administrations whose domestic regulations require it will collect a special fee for the delivery of such notice. This fee may not exceed the postage for a single weight-unit of an ordinary letter in the domestic service;

(c) A daily storage charge which may not exceed that fixed by the postal legislation of each country, charged from the time prescribed therein, provided that the total to be collected may in no case exceed five gold francs or the equivalent thereof;

(d) The customs duties and all other non-postal charges which their domestic legislation establishes;

(e) The amount corresponding to the consular fee, when it has not been prepaid by the sender;

(f) The repacking fee of 30 centimes at most provided for in the corresponding Agreement under the Universal Postal Convention in force. This fee will be collected from the addressee or from the sender, according to circumstances.

2. Parcels addressed to Consuls and Vice-Consuls acting as Consuls will be exempt from payment of postal delivery fees when they contain articles not liable to payment of customs duties.

ARTICLE 6

Cancellation of customs duties

The contracting Administrations undertake to make representations to the competent authorities of their respective countries as soon as possible, with a view to obtaining cancellation of the relative customs duties, not only on parcels returned to the country of origin, but also on those destroyed for any reason or forwarded to a third country.

The same procedure will be followed by the Administrations with respect to parcels lost, rifled or damaged in their service.

ARTICLE 7

Prohibition against other charges

The parcels of which the present Agreement treats may not be subjected to any other postal charges than those established in the foregoing Articles.

However, Administrations which agree among themselves on the admission of collect-on-delivery or insured parcels will be authorized to collect the special charges relative to these classes of articles.

ARTICLE 8⁴

Responsibility

1. The Administrations will be responsible for loss, rifling or damage of ordinary or registered parcels.

The sender will be entitled on that account to an indemnity equivalent to the actual amount of loss, rifling or damage. This indemnity may not exceed:

- 10 gold francs for each parcel up to 1 kilogram;
- 25 gold francs for each parcel from 1 to 5 kilograms;
- 40 gold francs for each parcel from 5 to 10 kilograms;
- 55 gold francs for each parcel from 10 to 15 kilograms;
- 70 gold francs for each parcel from 15 to 20 kilograms.

2. The indemnity will be calculated according to the current price of merchandise of the same kind at the place where and the time when the parcel is accepted for mailing.

3. For insured parcels exchanged between those Administrations which agree to establish this type of service, the indemnity may not exceed the insured value.

4. In cases where parcels are damaged when received at the offices of destination, the latter shall draw up a report setting forth the circumstances under which the parcels were received, particularly the condition of the

⁴ For an amendment of 1941, see footnote 1, p. 319.

fastenings and containers, which will be sent to the office of origin accompanied by a copy of the report and the corresponding bulletin of verification, as well as the other supporting evidence.

The addressees shall be notified of such irregularities only when the provisions of the domestic legislation of each country authorize such action.

The same procedure will be followed by the offices of origin in the case of returned parcels.

ARTICLE 9

Parcels pending delivery

1. The period for which parcels must be held at the disposal of the interested parties at the office of destination is fixed at 30 days. That period may be increased to 90 days by agreement between the Administrations concerned, it being understood that in every case the return will be effected without previously consulting the sender.

2. The senders, by virtue of the provisions contained in the preceding Section, will be obliged to indicate on the dispatch note or customs declaration what disposal is to be made of their parcels in case of non-delivery, limiting themselves to one of the following instructions:

- (a) That the parcel be returned to origin;
- (b) That the parcel be delivered to another addressee;
- (c) That the parcel be considered as abandoned.

ARTICLE 10

Fraudulent declarations

1. In cases where it is proved that the senders of parcels, by themselves or by agreement with the addressees, falsely declare the quality, weight or measure of the contents, or in any other way attempt to defraud the fiscal interests of the country of destination by avoiding payment of import duties, concealing articles or declaring them in such a way as to show the evident intention of nullifying or reducing the amount of such duties, the Administration concerned is authorized to dispose of those articles in accordance with its domestic legislation, and neither the sender nor the addressee will have any right to delivery, return or indemnity.

2. The Administration confiscating a parcel in accordance with the preceding authorization shall notify the addressee and the Administration of origin.

ARTICLE 11

Parcels for second addressees

Senders of parcels addressed in care of banks or other organizations for delivery to second addressees will be obliged to state on the tags, labels or wrappers thereof the exact names and addresses of the persons for whom such parcels are intended. Nevertheless, the second addressee will be notified

that such parcel is on hand, and the fee provided for by Article 5 may be collected; but he may not claim delivery without the written authorization of the first addressee or of the sender. The latter shall, in that case, arrange for its delivery through the Administration of origin.

ARTICLE 12

Abandoned or returned parcels

1. Abandoned parcels, or those returned to origin which can not be delivered to the senders, will remain at the disposal of the Administration of destination or origin, as the case may be, and be treated in accordance with their domestic legislation, after the expiration of a period of 90 days.

2. The Administrations of destination may immediately return parcels which have been refused.

3. The Administrations may collect, for each parcel returned to origin as undeliverable, the following amounts:

- (a) The amount due them as the terminal charge;
- (b) The sea-transit charges referred to in Section 1 of Article 4;
- (c) The charges due on the parcels in the country of destination on account of forwarding;
- (d) The fee mentioned in letter (a) of Article 5;
- (e) The storage charges indicated in letter (c) of Article 5;
- (f) The repacking fee.

ARTICLE 13

Propositions in the interval between meetings

The present Agreement may be modified in the interval which transpires between Congresses, following the procedure established by the Convention of the Universal Postal Union in force.

In order to become effective, modifications must obtain:

- (a) Unanimity of votes, if it is a question of introducing new provisions or modifying the present Article or Articles 1, 2, 3, 4, 5, 7, 8 and 9;
- (b) Two-thirds of the votes, in order to modify the other provisions.

ARTICLE 14

Equivalents

Each Administration will determine the legal equivalent of its money with relation to the gold franc of the Universal Postal Convention.

ARTICLE 15

Matters not provided for

1. All matters not provided for by this Agreement will be governed by the provisions of the Parcel-Post Agreement of the Universal Postal Union in force and its Regulations of Execution.

2. However, the contracting Administrations may fix other details for the carrying out of the service, after previous agreement.

3. The right of the contracting countries to retain in force the regulatory procedure adopted for the execution of Conventions among themselves is recognized, provided that such procedure is not contrary to the provisions of this Agreement.

ARTICLE 16

Effective date and duration of Agreement

1. The present Agreement will become effective October 1, 1937, and will remain in force without time-limit, each of the contracting parties reserving the right to denounce it by means of notice given by its Government to that of the Oriental Republic of Uruguay one year in advance.

2. The deposit of ratifications will be effected in the city of Panama, Republic of Panama, as soon as possible. The relative certificate will be made up in regard to the ratification by each country, and the Government of Panama will send a copy of said certificate, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Parcel-Post Agreement sanctioned in Madrid on November 10, 1931,⁵ are abrogated, beginning with the date on which the present Agreement becomes effective.

4. In case that the Agreement is not ratified by one or more of the contracting countries, it will nevertheless be valid for the countries which have ratified it.

5. The contracting countries may ratify this Agreement provisionally, by correspondence, giving notice thereof to the respective Administrations through the medium of the International Office, without prejudice to the fact that, according to the legislation of each country, and after approval by the National Congresses, it may be confirmed through diplomatic channels.

In faith of which, the Plenipotentiaries of the countries enumerated sign the present Agreement in the city of Panama, Republic of Panama, on the 22d day of the month of December, 1936.

For Argentina:

LUIS S. LUTI

For Bolivia:

JORGE E. BOYD

For Brazil:

LEONIDAS DE SIQUEIRA MENESES

JAYME DIAS FRANÇA

JULIO SÁNCHEZ PÉREZ

For Canada:

PETER T. COOLICAN

F. E. JOLLIFFE

For Colombia:

ALFONSO PALACIO RUDAS

For Costa Rica:

ENRIQUE FONSECA ZÚÑIGA

For Cuba:

CARLOS A. VASSEUR

For Chile:

SILVERIO BRAÑAS

MIGUEL A. PARRA

For the Dominican Republic:

MANUEL DE J. QUIJANO

⁵ *Ante*, p. 49.

For Ecuador:
VICTORIANO ENDARA A.
VICTOR M. NARANJO

For El Salvador:
JOSÉ E. ARJONA

For Spain:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For the United States of America:
For Harlee Branch:
JOHN E. LAMIELL
JOHN E. LAMIELL
STEWART M. WEBER

For Guatemala:
TOMÁS ARIAS

For Haiti:
ANDRÉ FAUBERT

For Honduras:
ALBERTO ZÚÑIGA

For Mexico:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For Nicaragua:
ADOLFO ALTAMIRANO BROWNE

For Panama:
JOSÉ E. ARJONA
JUAN B. CHEVALIER
JUAN BRIN
CARLOS ORTIZ R.
TOMÁS H. JÁCOME
MANUEL DE J. QUIJANO
ANGELO FERRARI

For Paraguay:
LUIS S. LUTI

For Peru:
AUGUSTO S. SALAZAR
ERNESTO CÁCERES B.

For Uruguay:
HUGO V. DE PENA

For Venezuela:
FRANCISCO VÉLEZ SALAS
CARLOS HARTMANN

FINAL PROTOCOL OF THE AGREEMENT RELATIVE TO PARCEL POST

At the moment of signing the Agreement relative to Parcel Post concluded by the Fourth Americo-Spanish Postal Congress, the undersigned Plenipotentiaries have agreed upon the following:

The Venezuelan Delegation declares that the Postal Administration of Venezuela can not accept, for the present, in its service, parcels with a weight greater than five kilograms.

Done at Panama on the 22d day of December, 1936.

For Argentina:
LUIS S. LUTI

For Bolivia:
JORGE E. BOYD

For Brazil:
LEONIDAS DE SIQUEIRA MENESES
JAYME DIAS FRANÇA
JULIO SÁNCHEZ PÉREZ

For Canada:
PETER T. COOLICAN
F. E. JOLLIFFE

For Colombia:
ALFONSO PALACIO RUDAS

For Costa Rica:
ENRIQUE FONSECA ZÚÑIGA

For Cuba:
CARLOS A. VASSEUR

For Chile:
SILVERIO BRAÑAS
MIGUEL A. PARRA

For the Dominican Republic:
MANUEL DE J. QUIJANO

For Ecuador:
VICTORIANO ENDARA A.
VICTOR M. NARANJO

For El Salvador:
JOSÉ E. ARJONA

For Spain:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For the United States of America:
For Harlee Branch:
JOHN E. LAMIELL
JOHN E. LAMIELL
STEWART M. WEBER

For Guatemala:

TOMÁS ARIAS

For Haiti:

ANDRÉ FAUBERT

For Honduras:

ALBERTO ZÚÑIGA

For Mexico:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For Nicaragua:

ADOLFO ALTAMIRANO BROWNE

For Panama:

JOSÉ E. ARJONA

JUAN B. CHEVALIER

JUAN BRIN

CARLOS ORTIZ R.

TOMÁS H. JÁCOME

MANUEL DE J. QUIJANO

ANGELO FERRARI

For Paraguay:

LUIS S. LUTI

For Peru:

AUGUSTO S. SALAZAR

ERNESTO CÁCERES B.

For Uruguay:

HUGO V. DE PENA

For Venezuela:

FRANCISCO VÉLEZ SALAS

CARLOS HARTMANN

POSTAL UNION OF THE AMERICAS AND SPAIN: MONEY ORDERS

*Agreement and final protocol signed at Panama December 22, 1936*¹
Ratified and approved by the Postmaster General of the United States
August 12, 1937

Approved by the President of the United States August 20, 1937
Ratification of the United States deposited at Panama September 17,
1937

Entered into force October 1, 1937

*Terminated by agreement of September 25, 1946*²

50 Stat. 1708; Post Office Department print

[TRANSLATION]

AGREEMENT RELATIVE TO MONEY ORDERS

concluded between Argentina, Brazil, Bolivia, Colombia, Costa Rica, Cuba, Chile, the Dominican Republic, Ecuador, El Salvador, Spain, the United States of America, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries above mentioned, in exercise of the authority conferred by Article 5 of the Universal Postal Convention in force, agree, subject to ratification, to establish the money order service in accordance with the following clauses:

ARTICLE 1

Object of the agreement

The exchange of money orders between the contracting countries whose Administrations agree to perform this service will be governed by the present Agreement.

ARTICLE 2

Money

The amount of the orders will be expressed in money of the country of destination. However, the Administrations are authorized to adopt, by mutual consent, some other money more convenient to their interests.

¹ For postal forms appended to the agreement, see 50 Stat. 1720.

² TIAS 1682, *post*, vol. 4.

ARTICLE 3

Conditions for exchange of money orders

The exchange of money orders between the contracting countries will be effected by means of lists conforming to model "A" hereto appended.³

Each Administration will designate the offices in its country which will be charged with preparing the said lists and transmitting them to such other offices as may be designated for the same purpose by the other Administrations. When an Administration designates more than one office for the receipt of lists, it must communicate, with full details, the distribution to be made of the orders in the said lists.

ARTICLE 4

Maximum amount of money orders

The Administrations of the contracting countries which agree to establish this service will come to an agreement to fix the maximum amount of money orders exchanged among them; but this amount may not be lower than 300 gold francs, in accordance with the monetary standard of the Universal Postal Convention, or the equivalent of that amount in the respective money.

However, orders relating to the postal service, issued free of charge in accordance with the provisions of Article 8 following, may exceed the maximum fixed by any Administration.

ARTICLE 5

Rates and commission fees

1. The remitter of every order issued in accordance with the present Agreement shall pay a charge of 30 centimes of a gold franc at most, and a proportional fee which may not exceed $\frac{1}{2}\%$ of the amount of the order.⁴

2. The Administration of origin will credit that of destination with $\frac{1}{4}\%$ of the total amount of the orders paid by the latter.

ARTICLE 6

Indorsements

The contracting countries are authorized to permit, within their territories, and in accordance with their domestic legislation, the indorsement of orders originating in any country.

ARTICLE 7

Responsibility

The Administrations will be responsible to the remitters for the amounts which the latter deposit to be converted into money orders until they have been paid to the payees or indorsees.

³ See footnote 1, p. 329.

⁴ For text of a U.S. reservation made in the final protocol, see p. 336.

ARTICLE 8⁵*Exemption from charges*

Orders relating to the service exchanged between Administrations or between post offices belonging to any Administration will be exempt from all charges, as well as orders sent to the International Office of Montevideo and vice versa.

ARTICLE 9

Period of validity of orders

In the absence of agreement to the contrary, every money order will be payable in the country of destination for a period of twelve months following that of its issuance.

The amount of all orders which have not been paid within that period will be credited in the first account rendered to the Administration of the country of origin, which will proceed in accordance with its regulations.

ARTICLE 10

Change of address and repayment of orders

1. When the remitter desires to correct an error in the address of the payee, or that the amount of the order be returned, he must make application to the Central Administration of the country in which the order has been issued.

2. In general, no money order will be repaid without the authorization of the Central Administration of the paying country.

ARTICLE 11⁵*Advice of payment*

The remitter of an order may obtain an advice of payment for a fee equivalent to that collected by the Administration of origin for a return receipt for registered correspondence. This fee will be retained by the Administration of origin.

The Administration of destination will issue the advice of payment on a printed form agreeing with model "F", and will transmit it directly to the interested party, or to the issuing Administration for delivery to the former.

ARTICLE 12

Reissuance

At the request of the remitter or payee of an order, the latter may be re-issued to a country other than the one for which it was originally destined,

⁵ For text of a U.S. reservation made in the final protocol, see p. 336.

whenever an exchange of money orders exists with the new country of destination.

The reissuing Administration will have the right to deduct from the amount of the order the fees due for the new orders issued by it, in accordance with the provisions of Article 5 preceding.

In case of reissuance, the order will be considered as if it had been paid by the reissuing Administration, which will include it in the account for that purpose, adding the word "Reissued".

ARTICLE 13

Domestic legislation

Money orders exchanged between two countries will be subject, with respect to their issuance and payment, to the provisions in force in the country of origin or in the country of destination, as the case may be, concerning the issuance and payment of domestic money orders.

ARTICLE 14

Preparation of lists

1. Each exchange office will advise the corresponding exchange office, daily or on the dates mutually agreed upon, of the amounts received in its country for payment in the other, making use for the purpose of model "A" hereto appended.

2. Every money order noted in the lists will bear a consecutive number known as "international number", commencing on January 1 or July 1 of each year, as may be agreed, with the number 1. The lists will likewise bear a serial number, commencing with the number 1 on January 1 or July 1 of each year.

3. The exchange offices will acknowledge receipt of each list by means of the first subsequent list sent in the other direction.

4. Any list which is missing will be called for immediately by the exchange office which discovers its absence. The dispatching exchange office, in that case, will send the complaining exchange office a duplicate of the missing list, duly authenticated, as soon as possible.

ARTICLE 15

Checking and correction of lists

The lists will be verified carefully by the exchange office of destination and corrected when they contain simple errors.

These corrections will be reported to the dispatching exchange office, at the time of acknowledging receipt of the list in which they have been made.

When the lists contain other irregularities, the exchange office of destination will ask for explanations by the dispatching exchange office, which shall

reply as soon as possible. Meanwhile, the issuance of the internal money orders corresponding to the aforesaid irregular notations will be suspended.

ARTICLE 16

Payment of orders

1. On receipt at an exchange office of a list of orders in accordance with the provisions of the foregoing Article, the said office will proceed to effect or order the payment to the payees, in money of the country of destination, of the amounts shown in the list, in that money or any other agreed upon, in accordance with the regulations in force in each country for the payment of international money orders.

2. Duplicates of money orders will be issued by the Administration of Posts of the reissuing country only in accordance with its domestic regulations, and after previous proof that the order has not been either paid to the payee or returned to origin.

ARTICLE 17

Rendering and settlement of accounts

1. In the absence of agreement to the contrary, at the end of each quarter, the creditor Administration will make up the relative account for the corresponding Administration, showing in detail:

- (a) The totals of the lists containing the particulars of the orders issued in both countries during the quarter;
- (b) The totals of the orders which have been repaid to the remitters; and
- (c) The totals of the orders which have become invalid during the quarter.

The credit balance of each Administration will be expressed in its own money.

The smaller amount will be converted into money of the creditor country at the average rate of exchange prevailing during the quarter covered by the account.

This account, rendered in duplicate, will be sent by the Administration which has made it up to the corresponding Administration.

If the balance results in favor of the latter Administration, it will be paid by attaching to the account a sight draft on the creditor country.

If the balance results in favor of the Administration which has rendered the account, payment will be made by the debtor Administration in the manner indicated in the preceding paragraph, when the account is returned accepted.

For the preparation of such quarterly account, use will be made of models "B", "C", "D", and "E" appended to the present Agreement.

2. The Administrations may also come to an agreement not to effect conversions, but to make settlements unilaterally; that is to say, for each Administration to credit the other with the total amount of the orders paid on its account. In this case, each Administration shall render a quarterly account.

ARTICLE 18

Discontinuation of money-order accounts

Administrations may, by mutual agreement, discontinue the rendering of accounts referred to in the preceding Article. In this case, they shall undertake to transmit, together with each list of money orders, model "A", a check for the total amount thereof, plus the premium indicated in Section 2 of Article 5; the same procedure being followed when the use of models "C" and "D" is necessary.

The checks, in the absence of agreement to the contrary, will be issued in money of the creditor country, and conversion will accordingly be made on the basis of the open exchange.

ARTICLE 19

Advance payments on account

When it results that one of the corresponding Administrations owes the other, on money order accounts, a balance in excess of 25,000 gold francs, or the approximate equivalent of that amount in its own money, the debtor Administration shall send the other Administration as soon as possible, as an advance payment on account, an amount approximating the balance of the accounts for the quarterly settlement referred to by Article 17.

ARTICLE 20

Suspension of service

The Administrations of the contracting countries may, under extraordinary circumstances, temporarily suspend the issuance of money orders and adopt such provisions as they deem necessary to safeguard the interests of the Administrations and avoid any speculation through the money order service by individuals or commercial institutions.

An Administration adopting any of the measures referred to in the preceding paragraph shall immediately give notice of the fact to the Administrations with which it exchanges money orders.

ARTICLE 21

Telegraphic orders

The provisions of this Agreement will be extended to the service of telegraphic orders among those countries which agree to perform it; and, to that

end, after previous agreement among themselves, they will fix the conditions regulating the said service.

ARTICLE 22

Propositions in the interval between meetings

The present Agreement may be modified in the interval between Congresses in the manner prescribed by the Universal Postal Convention in force. In order for the modifications to become effective, they must obtain:

(a) Unanimity of votes if it is a question of introducing new provisions or modifying the present Article or Articles 1, 2, 4, 7, 8, 13, 17, 18, 19, 20 and 23.

(b) Two-thirds of the votes to modify the other provisions.

ARTICLE 23

Effective date and duration of Agreement

1. The present Agreement will become effective October 1, 1937, and will remain in force without limitation of time, each of the contracting parties reserving the right to denounce it by means of notice given by its Government to that of the Oriental Republic of Uruguay one year in advance.

2. The ratifications will be deposited in the city of Panama, Republic of Panama, as soon as possible. A certificate will be made up relative to the deposit of the ratifications of each country, and the Government of Panama will send a copy of the said certificate, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Money Order Agreement adopted at Madrid on November 10, 1931,⁶ are abrogated, beginning with the date on which the present Agreement becomes effective.

4. In case that the Agreement is not ratified by one or more of the contracting countries, it will nevertheless be valid for those which have ratified it.

5. The contracting countries may ratify this Agreement provisionally, by correspondence, giving notice thereof to the respective Administrations through the medium of the International Office, without prejudice to the fact that, according to the legislation of each country, and after approval by the National Congresses, it may be confirmed through diplomatic channels.

In faith of which, the Plenipotentiaries of the countries above enumerated sign the present Agreement in the city of Panama, Republic of Panama, on the 22d day of the month of December, 1936.

For Argentina:

LUIS S. LUTI

For Bolivia:

JORGE E. BOYD

For Brazil:

LEONIDAS DE SIQUEIRA MENESES

JAYME DIAS FRANÇA

JULIO SÁNCHEZ PÉREZ

⁶ *Ante*, p. 56.

For Colombia:
ALFONSO PALACIO RUDAS

For Costa Rica:
ENRIQUE FONSECA ZÚÑIGA

For Cuba:
CARLOS A. VASSEUR

For Chile:
SILVERIO BRAÑAS
MIGUEL A. PARRA

For the Dominican Republic:
MANUEL DE J. QUIJANO

For Ecuador:
VICTORIANO ENDARA A.
VICTOR M. NARANJO

For El Salvador:
JOSÉ E. ARJONA

For Spain:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For the United States of America:
For Harllee Branch:
JOHN E. LAMIELL
JOHN E. LAMIELL
STEWART M. WEBER

For Guatemala:
TOMÁS ARIAS

For Honduras:
ALBERTO ZÚÑIGA

For Mexico:
JOSÉ V. CHÁVEZ
JOSÉ ROBERTO MONTERO

For Nicaragua:
ADOLFO ALTAMIRANO BROWNE

For Panama:
JOSÉ E. ARJONA
JUAN B. CHEVALIER
JUAN BRIN
CARLOS ORTIZ R.
TOMÁS H. JÁCOME
MANUEL DE J. QUIJANO
ANGELO FERRARI

For Paraguay:
LUIS S. LUTI

For Peru:
AUGUSTO S. SALAZAR
ERNESTO CÁCERES B.

For Uruguay:
HUGO V. DE PENNA

For Venezuela:
FRANCISCO VÉLEZ SALAS
CARLOS HARTMANN

FINAL PROTOCOL OF THE AGREEMENT RELATIVE TO MONEY ORDERS

At the moment of signing the Agreement relative to Money Orders concluded by the Fourth Americo-Spanish Postal Congress, the undersigned Plenipotentiaries have agreed upon the following:

I

The United States of America records the fact that it can not accept the provisions of Articles 5, section 1, 8, and 11.

II

Brazil records the fact that it can execute the Money Order service only under the conditions laid down by Article 18 of the Agreement.

Done at Panama on the 22d day of December, 1936.

For Argentina:
LUIS S. LUTI

For Bolivia:
JORGE E. BOYD

For Brazil:
LEONIDAS DE SIQUEIRA MENESES
JAYME DIAS FRANÇA
JULIO SÁNCHEZ PÉREZ

For Colombia:
ALFONSO PALACIO RUDAS

For Costa Rica:
ENRIQUE FONSECA ZÚÑIGA

For Cuba:
CARLOS A. VASSEUR

For Chile:
SILVERIO BRAÑAS
MIGUEL A. PARRA

For the Dominican Republic:

MANUEL DE J. QUIJANO

For Ecuador:

VICTORIANO ENDARA A.

VICTOR M. NARANJO

For El Salvador:

JOSÉ E. ARJONA

For Spain:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For the United States of America:

For Harlee Branch:

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

For Guatemala:

TOMÁS ARIAS

For Honduras:

ALBERTO ZÚÑIGA

For Mexico:

JOSÉ V. CHÁVEZ

JOSÉ ROBERTO MONTERO

For Nicaragua:

ADOLFO ALTAMIRANO BROWNE

For Panama:

JOSÉ E. ARJONA

JUAN B. CHEVALIER

JUAN BRIN

CARLOS ORTIZ R.

TOMÁS H. JÁCOME

MANUEL DE J. QUIJANO

ANGELO FERRARI

For Paraguay:

LUIS S. LUTI

For Peru:

AUGUSTO S. SALAZAR

ERNESTO CÁCERES B.

For Uruguay:

HUGO V. DE PENA

For Venezuela:

FRANCISCO VÉLEZ SALAS

CARLOS HARTMANN

[For postal forms appended to the agreement, see 50 Stat. 1720.]

MAINTENANCE, PRESERVATION, AND REESTABLISHMENT OF PEACE (INTER-AMERICAN)

Convention signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited at Buenos Aires August 25, 1937

*Entered into force August 25, 1937*¹

Proclaimed by the President of the United States September 16, 1937

51 Stat. 15; Treaty Series 922

CONVENTION FOR THE MAINTENANCE, PRESERVATION AND REESTABLISHMENT OF PEACE

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Considering:

That according to the statement of Franklin D. Roosevelt, the President of the United States, to whose lofty ideals the meeting of this Conference is due, the measures to be adopted by it "would advance the cause of world peace, inasmuch as the agreements which might be reached would supplement and reinforce the efforts of the League of Nations and of all other existing or future peace agencies in seeking to prevent war";

That every war or threat of war affects directly or indirectly all civilized peoples and endangers the great principles of liberty and justice which constitute the American ideal and the standard of American international policy;

That the Treaty of Paris of 1928 (Kellogg-Briand Pact)² has been accepted by almost all the civilized states, whether or not members of other peace organizations, and that the Treaty of Non-Aggression and Conciliation of 1933 (Saavedra Lamas Pact signed at Rio de Janeiro)³ has the approval of the twenty-one American Republics represented in this Conference,

Have resolved to give contractual form to these purposes by concluding the

¹ Date of deposit of second instrument of ratification.

² TS 796, *ante*, vol. 2, p. 732.

³ TS 906, *ante*, p. 135.

present Convention, to which end they have appointed the Plenipotentiaries hereafter mentioned:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,
CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZEREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRIGUES
ALVES,
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS
ALONSO,
GERVASIO POSADAS BELGRANO.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, JR.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
LUIS BARROS BORGOÑO,
FÉLIX NIETO DEL RÍO,
RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,

ANTONIO PONS,
JOSÉ GABRIEL NAVARRO,
FRANCISCO GUARDERAS,
EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
DAVID ALVÉSTEGUI,
EDUARDO DIEZ DE MEDINA,
ALBERTO OSTRIA GUTIÉRREZ,
CARLOS ROMERO,
ALBERTO CORTADELLAS,
JAVIER PAZ CAMPERO.

Haiti:

HORACIO PAULEUS SANNON,
CAMILLE J. LEÓN,
ELIE LESCOT,
EDMÉ MANIGAT,
PIERRE EUGENE DE LESPINASSE,
CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
RAMÓN ZAYDIN,
CARLOS MÁRQUEZ STERLING,
RAFAEL SANTOS JIMÉNEZ,
CÉSAR SALAYA,
CALIXTO WHITMARSH,
JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

Article I. In the event that the peace of the American Republics is menaced, and in order to coordinate efforts to prevent war, any of the Governments of the American Republics signatory to the Treaty of Paris of 1928 or to the Treaty of Non-Aggression and Conciliation of 1933, or to both, whether or not a member of other peace organizations, shall consult with the other Governments of the American Republics, which, in such event, shall consult together for the purpose of finding and adopting methods of peaceful cooperation.

Article II. In the event of war, or a virtual state of war between American States, the Governments of the American Republics represented at this

Conference shall undertake without delay the necessary mutual consultations, in order to exchange views and to seek, within the obligations resulting from the pacts above mentioned and from the standards of international morality, a method of peaceful collaboration; and, in the event of an international war outside America which might menace the peace of the American Republics, such consultation shall also take place to determine the proper time and manner in which the signatory states, if they so desire, may eventually cooperate in some action tending to preserve the peace of the American Continent.

Article III. It is agreed that any question regarding the interpretation of the present Convention, which it has not been possible to settle through diplomatic channels, shall be submitted to the procedure of conciliation provided by existing agreements, or to arbitration or to judicial settlement.

Article IV. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original convention shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall communicate the ratifications to the other signatories. The Convention shall come into effect between the High Contracting Parties in the order in which they have deposited their ratifications.

Article V. The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice, after the expiration of which period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining signatory States. Denunciations shall be addressed to the Government of the Argentine Republic, which shall transmit them to the other contracting States.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, nineteen hundred and thirty-six.

Reservation of Paraguay: "With the express and definite reservation in respect to its peculiar international position as regards the League of Nations".

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRÉNES

Venezuela:

CARACCILO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL CASTILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRIGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO ACIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE MILLER
MARÍA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
EUGENIO MARTÍNEZ THEDY
FELIPE FERREIRO
ABALCÁZAR GARCÍA
JULIO CÉSAR CERDEIRAS ALONSO
GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
JOSÉ A. MEDRANO
ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
JOSÉ MARÍA MONCADA
MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
TULIO M. CESTERO
ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
MIGUEL LÓPEZ PUMAREJO
ROBERTO URDANETA ARBELÁEZ
ALBERTO LLERAS CAMARGO
JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
JULIO J. FÁBREGA
EDUARDO CHIARI

United States of America:

CORDELL HULL
SUMNER WELLES
ALEXANDER W. WEDDELL
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY
CHARLES G. FENWICK
MICHAEL FRANCIS DOYLE
ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
LUIS BARROS BORGOÑO
FÉLIX NIETO DEL RÍO
RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
ANTONIO PONS
JOSÉ GABRIEL NAVARRO
FRANCISCO GUARDERAS

Bolivia:

ENRIQUE FINOT
DAVID ALVÉSTEGUI
CARLOS ROMERO

Haiti:

H. PAULEUS SANNON
CAMILLE J. LEÓN
ELIE LESCOT
EDMÉ MANIGAT
PIERRE EUGÈNE DE LESPINASSE
CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
RAMÓN ZAYDIN
CARLOS MÁRQUEZ STERLING
RAFAEL SANTOS JIMÉNEZ
CÉSAR SALAYA
CALIXTO WHITMARSH
JOSÉ MANUEL CARBONELL

NONINTERVENTION (INTER-AMERICAN)

Additional protocol signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited at Buenos Aires August 25, 1937

*Entered into force August 25, 1937*¹

Proclaimed by the President of the United States September 16, 1937

51 Stat. 41; Treaty Series 923

ADDITIONAL PROTOCOL RELATIVE TO NONINTERVENTION

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Desiring to assure the benefits of peace in their mutual relations and in their relations with all the nations of the earth, and to abolish the practice of intervention; and

Taking into account that the Convention on Rights and Duties of States, signed at the Seventh International Conference of American States, December 26, 1933,² solemnly affirmed the fundamental principle that "no State has the right to intervene in the internal or external affairs of another",

Have resolved to reaffirm this principle through the negotiation of the following Additional Protocol, and to that end they have appointed the Plenipotentiaries hereafter mentioned:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,

CARLOS BREBBIA,

CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIAN LÓPEZ PINEDA.

¹ Date of deposit of second instrument of ratification.

² TS 881, *ante*, p. 145.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

JOSÉ G. ANTUÑA,

JULIO CÉSAR CERDEIRAS,
GERVASIO POSADAS BELGRANO.

Venezuela:

CARACCIOLLO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZEREGA FOMBONA.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRIGUES ALVES
HELIO LOBO,
HILDENBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Panama:

HARMODIO ARIAS M.,
JULIO FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, JR.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,

Chile:

MIGUEL CRUCHAGA TOCORNAL,
LUIS BARROS BORGÑO,
FELIX NIETO DEL RÍO,
RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
ANTONIO PONS,

JOSÉ GABRIEL NAVARRO,
FRANCISCO GUARDERAS,
EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
DAVID ALVÉSTEGUI,
EDUARDO DIEZ DE MEDINA,
ALBERTO OSTRIA GUTIÉRREZ,
CARLOS ROMERO,
ALBERTO CORTADELLAS,
JAVIER PAZ CAMPERO.

Haiti:

HORACIO PAULEUS SANNON,

CAMILLE J. LEÓN,
ELIE LESCOT,
EDMÉ MANIGAT,
PIERRE EUGENE DE LESPINASSE,
CLEMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
RAMÓN ZAYDIN,
CARLOS MÁRQUEZ STERLING,
RAFAEL SANTOS JIMÉNEZ,
CÉSAR SALAYA,
CALIXTO WHITMARSH,
JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

Article 1. The High Contracting Parties declare inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any other of the Parties.

The violation of the provisions of this Article shall give rise to mutual consultation, with the object of exchanging views and seeking methods of peaceful adjustment.

Article 2. It is agreed that every question concerning the interpretation of the present Additional Protocol, which it has not been possible to settle through diplomatic channels, shall be submitted to the procedure of conciliation provided for in the agreements in force, or to arbitration, or to judicial settlement.

Article 3. The present Additional Protocol shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument and the instruments of ratification shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall communicate the ratifications to the other signatories. The Additional Protocol shall come into effect between the High Contracting Parties in the order in which they shall have deposited their ratifications.

Article 4. The present Additional Protocol shall remain in effect indefinitely but may be denounced by means of one year's notice after the expiration of which period the Protocol shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining Signatory States. Denunciations shall be addressed to the Government of the Argentine Republic which shall notify them to the other Contracting States.

In witness whereof, the above mentioned Plenipotentiaries sign the present Additional Protocol in English, Spanish, Portuguese and French and hereunto

affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, nineteen hundred and thirty-six.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTONOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCIOLO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
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FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

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ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL CASTILLO

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JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRIGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO ACIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE MILLER
MARÍA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
EUGENIO MARTÍNEZ THEDY

FELIPE FERREIRO

ABALCÁZAR GARCÍA
JULIO CÉSAR CERDEIRAS ALONSO
GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
JOSÉ A. MEDRANO
ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
JOSÉ MARÍA MONCADA
MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
TULIO M. CESTERO
ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
MIGUEL LÓPEZ PUMAREJO
ROBERTO URDANETA ARBELÁEZ
ALBERTO LLERAS CAMARGO
JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
JULIO J. FÁBREGA
EDUARDO CHIARI

United States of America:

CORDELL HULL
SUMNER WELLES
ALEXANDER W. WEDDELL
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY
CHARLES G. FENWICK
MICHAEL FRANCIS DOYLE
ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
LUIS BARROS BORGÑO
FÉLIX NIETO DEL RÍO
RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
ANTONIO PONS
JOSÉ GABRIEL NAVARRO
FRANCISCO GUARDERAS

Bolivia:

ENRIQUE FINOT
DAVID ALVÉSTEGUI
CARLOS ROMERO

Haiti:

H. PAULEUS SANNON
 CAMILLE J. LEÓN
 ELIE LESCOT
 EDMÉ MANIGAT
 PIERRE EUGÈNE DE LESPINASSE
 CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
 RAMÓN ZAYDIN
 CARLOS MÁRQUEZ STERLING
 RAFAEL SANTOS JIMÉNEZ
 CÉSAR SALAYA
 CALIXTO WHITMARSH
 JOSÉ MANUEL CARBONELL

COORDINATION, EXTENSION, AND FULFILLMENT OF EXISTING TREATIES BETWEEN THE AMERICAN STATES

Convention signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification, with a declaration, June 29, 1937¹

Ratified by the President of the United States, with a declaration, July 15, 1937¹

Ratification of the United States deposited at Buenos Aires August 25, 1937

Entered into force August 20, 1938²

Proclaimed by the President of the United States September 16, 1937

51 Stat. 116; Treaty Series 926

CONVENTION TO COORDINATE, EXTEND AND ASSURE THE FULFILLMENT OF THE EXISTING TREATIES BETWEEN THE AMERICAN STATES

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Animated by a desire to promote the maintenance of general peace in their mutual relations;

Appreciating the advantages derived and to be derived from the various agreements already entered into condemning war and providing methods for the pacific settlement of international disputes;

Recognizing the need for placing the greatest restrictions upon resort to war; and

Believing that for this purpose it is desirable to conclude a new convention to coordinate, extend and assure the fulfillment of existing agreements, have appointed plenipotentiaries as follows:

¹ The U.S. declaration reads as follows:

"The United States of America holds that the reservations to this Convention do not constitute an amendment to the text, but that such reservations, interpretations, and definitions by separate governments are solely for the benefit of such respective governments and are not intended to be controlling upon the United States of America."

² Date of deposit of 11th instrument of ratification (see art. 8).

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,
CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRÍGUES ALVES,
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS ALONSO,
GERVASIO POSADAS BELGRANO.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO J. FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, Jr.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
LUIS BARROS BORGOÑO,
FÉLIX NIETO DEL RÍO,
RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
ANTONIO PONS,
JOSÉ GABRIEL NAVARRO,
FRANCISCO GUARDERAS,
EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
DAVID ALVÉSTEGUI,
EDUARDO DÍEZ DE MEDINA,
ALBERTO OSTRIA GUTIÉRREZ,
CARLOS ROMERO,
ALBERTO CORTADELLAS,
JAVIER PAZ CAMPERO.

Haiti:

H. PAULEUS SANNON,
CAMILLE J. LEÓN,
ELIE LESCOT,
EDMÉ MANIGAT,
PIERRE EUGÈNE DE LESPINASSE,
CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
RAMÓN ZAYDIN,
CARLOS MÁRQUEZ STERLING,
RAFAEL SANTOS JIMÉNEZ,
CÉSAR SALAYA,
CALIXTO WHITMARSH,
JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:

Article 1. Taking into consideration that, by the Treaty to Avoid and Prevent Conflicts between the American States, signed at Santiago, May 3, 1923, (known as the Gondra Treaty)³ the High Contracting Parties agree that all controversies which it has been impossible to settle through diplomatic channels or to submit to arbitration in accordance with existing treaties shall be submitted for investigation and report to a Commission of Inquiry;

That by the Treaty for the Renunciation of War, signed at Paris on August 28 [27], 1928 (known as the Kellogg-Briand Pact, or Pact of Paris)⁴ the High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another;

³ TS 752, *ante*, vol. 2, p. 413.

⁴ TS 796, *ante*, vol. 2, p. 732.

That by the General Convention of Inter-American Conciliation, signed at Washington, January 5, 1929,⁵ the High Contracting Parties agree to submit to the procedure of conciliation all controversies between them, which it may not have been possible to settle through diplomatic channels, and to establish a "Commission of Conciliation" to carry out the obligations assumed in the Convention;

That by the General Treaty of Inter-American Arbitration, signed at Washington, January 5, 1929,⁶ the High Contracting Parties bind themselves to submit to arbitration, subject to certain exceptions, all differences between them of an international character, which it has not been possible to adjust by diplomacy and which are juridical in their nature by reason of being susceptible of decision by the application of the principles of law, and moreover, to create a procedure of arbitration to be followed; and

That by the Treaty of Non-Aggression and Conciliation, signed at Rio de Janeiro October 10, 1933, (known as the Saavedra Lamas Treaty),⁷ the High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations or in those with other states and that the settlement of disputes or controversies between them shall be effected only by pacific means which have the sanction of international law, and also declare that as between them territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement not obtained by pacific means, nor the validity of the occupation or acquisition of territories brought about by force of arms, and, moreover, in a case of non-compliance with these obligations, the contracting states undertake to adopt, in their character as neutrals, a common and solidary attitude and to exercise the political, juridical or economic means authorized by international law, and to bring the influence of public opinion to bear, without, however, resorting to intervention, either diplomatic or armed, subject nevertheless to the attitude that may be incumbent upon them by virtue of their collective treaties; and, furthermore, undertake to create a procedure of conciliation;

The High Contracting Parties reaffirm the obligations entered into to settle, by pacific means, controversies of an international character that may arise between them.

Article 2. The High Contracting Parties, convinced of the necessity for the co-operation and consultation provided for in the Convention for the Maintenance, Preservation and Reestablishment of Peace⁸ signed by them on this same day, agree that in all matters which affect peace on the Continent, such consultation and co-operation shall have as their object to assist, through the tender of friendly good offices and of mediation, the fulfillment by the

⁵ TS 780, *ante*, vol. 2, p. 745.

⁶ TS 886, *ante*, vol. 2, p. 737.

⁷ TS 906, *ante*, p. 135.

⁸ TS 922, *ante*, p. 338.

American Republics of existing obligations for pacific settlement, and to take counsel together, with full recognition of their juridical equality, as sovereign and independent states, and of their general right to individual liberty of action, when an emergency arises which affects their common interest in the maintenance of peace.

Article 3. In case of threat of war, the High Contracting Parties shall apply the provisions contained in Articles 1 and 2 of the Convention for the Maintenance, Preservation and Reestablishment of Peace, above referred to, it being understood that, while such consultation is in progress and for a period of not more than six months, the parties in dispute will not have recourse to hostilities or take any military action whatever.

Article 4. The High Contracting Parties further agree that, in the event of a dispute between two or more of them, they will seek to settle it in a spirit of mutual regard for their respective rights, having recourse for this purpose to direct diplomatic negotiation or to the alternative procedures of mediation, commissions of inquiry, commissions of conciliation, tribunals of arbitration, and courts of justice, as provided in the treaties to which they may be parties; and they also agree that, should it be impossible to settle the dispute by diplomatic negotiation and should the States in dispute have recourse to the other procedures provided in the present Article, they will report this fact and the progress of the negotiations to the other signatory States. These provisions do not affect controversies already submitted to a diplomatic or juridical procedure by virtue of special agreements.

Article 5. The High Contracting Parties agree that, in the event that the methods provided by the present Convention or by agreements previously concluded should fail to bring about a pacific settlement of differences that may arise between any two or more of them, and hostilities should break out between two or more of them, they shall be governed by the following stipulations:

(a) They shall, in accordance with the terms of the Treaty of Non-Aggression and Conciliation (Saavedra Lamas Treaty), adopt in their character as neutrals a common and solidary attitude; and shall consult immediately with one another, and take cognizance of the outbreak of hostilities in order to determine either jointly or individually, whether such hostilities shall be regarded as constituting a state of war so as to call into effect the provisions of the present Convention.

(b) It is understood that, in regard to the question whether hostilities actually in progress constitute a state of war, each of the High Contracting Parties shall reach a prompt decision. In any event, should hostilities be actually in progress between two or more of the Contracting Parties, or between two or more signatory States not at the time parties to this Convention by reason of failure to ratify it, each Contracting Party shall take notice of the situation and shall adopt such an attitude as would be consistent with other

multilateral treaties to which it is a party or in accordance with its municipal legislation. Such action shall not be deemed an unfriendly act on the part of any state affected thereby.

Article 6. Without prejudice to the universal principles of neutrality provided for in the case of an international war outside of America and without affecting the duties contracted by those American States members of the League of Nations, the High Contracting Parties reaffirm their loyalty to the principles enunciated in the five agreements referred to in Article 1, and they agree that in the case of an outbreak of hostilities or threat of an outbreak of hostilities between two or more of them, they shall, through consultation, immediately endeavor to adapt in their character as neutrals a common and solidary attitude, in order to discourage or prevent the spread or prolongation of hostilities.

With this object, and having in mind the diversity of cases and circumstances, they may consider the imposition of prohibitions or restrictions on the sale or shipment of arms, munitions and implements of war, loans or other financial help to the states in conflict, in accordance with the municipal legislation of the High Contracting Parties, and without detriment to their obligations derived from other treaties to which they are or may become parties.

Article 7. Nothing contained in the present Convention shall be understood as affecting the rights and duties of the High Contracting Parties which are at the same time members of the League of Nations.

Article 8. The present Convention shall be ratified by the High Contracting Parties in accordance with their constitutional procedures. The original convention and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Argentine Republic, which shall communicate the ratifications to the other Signatory States. It shall come into effect when ratifications have been deposited by not less than eleven Signatory States.

The Convention shall remain in force indefinitely; but it may be denounced by any of the High Contracting Parties, such denunciation to be effective one year after the date upon which such notification has been given. Notices of denunciation shall be communicated to the Ministry of Foreign Affairs of the Argentine Republic which shall transmit copies thereof to the other Signatory States. Denunciation shall not be regarded as valid if the Party making such denunciation shall be actually in a state of war, or shall be engaged in hostilities without fulfilling the provisions established by this Convention.

In witness whereof, the Plenipotentiaries above mentioned have signed this Treaty in English, Spanish, Portuguese, and French, and have affixed thereto their respective seals, in the City of Buenos Aires, Capital of the Argentine Republic, this twenty-third day of December, of the year 1936.

RESERVATIONS:

Reservation of the Argentine Delegation:

(1.) In no case, under Article VI, can foodstuffs or raw materials destined for the civil populations of belligerent countries be considered as contraband of war, nor shall there exist any duty to prohibit credits for the acquisition of said foodstuffs or raw materials which have the destination indicated.

With reference to the embargo on arms, each Nation may reserve freedom of action in the face of a war of aggression.

Reservation of the Delegation of Paraguay:

(2.) In no case, under Article VI, can foodstuffs or raw materials destined for the civil populations of belligerent countries be considered as contraband of war, nor shall there exist any duty to prohibit credits for the acquisition of said foodstuffs or raw materials which have the destination indicated.

With reference to the embargo on arms, each Nation may reserve freedom of action in the face of a war of aggression.

Reservation of the Delegation of El Salvador:

(3.) With reservation with respect to the idea of continental solidarity when confronted by foreign aggression.

Reservation of the Delegation of Colombia:

(4.) In signing this Convention, the Delegation of Colombia understands that the phrase "in their character as neutrals," which appears in Articles V and VI, implies a new concept of international law which allows a distinction to be drawn between the aggressor and the attacked, and to treat them differently. At the the same time, the Delegation of Colombia considers it necessary, in order to assure the full and effective application of this Pact, to set down in writing the following definition of the aggressor:

That State shall be considered as an aggressor which becomes responsible for one or several of the following acts:

a) That its armed forces, to whatever branch they may belong, illegally cross the land, sea or air frontiers of other States. When the violation of the territory of a State has been effected by irresponsible bands organized within or outside of its territory and which have received direct or indirect help from another State, such violation shall be considered equivalent, for the purposes of the present Article, to that effected by the regular forces of the State responsible for the aggression;

b) That it has intervened in a unilateral or illegal way in the internal or external affairs of another State;

c) That it has refused to fulfil a legally given arbitral decision or sentence of international justice.

No consideration of any kind, whether political, military, economic or of any other kind, may serve as an excuse or justification for the aggression here anticipated.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ÁNGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ÁNGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCIOLLO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL CAS-
TILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRIGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO AC-
CIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE MILLER
MARÍA LUIZA BITTENCOURT

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PEDRO MANINI RÍOS
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LUIS MANUEL DEBAYLE
JOSÉ MARÍA MONCADA
MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
TULIO M. CESTERO
ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
MIGUEL LÓPEZ PUMAREJO
ROBERTO URDANETA ARBELÁEZ
ALBERTO LLERAS CAMARGO
JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
JULIO J. FÁBREGA
EDUARDO CHIARI

United States of America:

CORDELL HULL
SUMNER WELLES
ALEXANDER W. WEDDELL
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY
CHARLES G. FENWICK
MICHAEL FRANCIS DOYLE
ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
LUIS BARROS BORGOÑO
FÉLIX NIETO DEL RÍO
RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
ANTONIO PONS
JOSÉ GABRIEL NAVARRO
FRANCISCO GUARDERAS

Bolivia:

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CARLOS ROMERO

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ELIE LESCOT
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PIERRE EUGÈNE DE LESPINASSE
CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
RAMÓN ZAYDIN
CARLOS MÁRQUEZ STERLING
RAFAEL SANTOS JIMÉNEZ
CÉSAR SALAYA
CALIXTO WHITMARSH
JOSÉ MANUEL CARBONELL

PREVENTION OF CONTROVERSIES (INTER-AMERICAN)

Treaty signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited with the Pan American Union July 29, 1937

*Entered into force July 29, 1937*¹

Proclaimed by the President of the United States September 16, 1937

51 Stat. 65; Treaty Series 924

TREATY ON THE PREVENTION OF CONTROVERSIES

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

In order to adopt, in the interest of the maintenance of international peace so far as may be attainable, a preventive system for the consideration of possible causes of future controversies and their settlement by pacific means; and

Convinced that whatever assures and facilitates compliance with the treaties in force constitutes an effective guarantee of international peace,

Have agreed to conclude a treaty and to this effect have named the following plenipotentiaries:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ,
CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

¹ Date of deposit of the second instrument of ratification.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRÍGUES ALVES
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS ALONSO,
GERVASIO POSADAS BELGRANO.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO J. FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, Jr.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
LUIS BARROS BORGÑO,
FÉLIX NIETO DEL RÍO,
RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
 ANTONIO PONS,
 JOSÉ GABRIEL NAVARRO,
 FRANCISCO GUARDERAS,
 EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
 DAVID ALVÉSTEGUI,
 EDUARDO DÍEZ DE MEDINA,
 ALBERTO OSTRIA GUTIÉRREZ,
 CARLOS ROMERO,
 ALBERTO CORTADELLAS,
 JAVIER PAZ CAMPERO.

Haiti:

H. PAULEUS SANNON,
 CAMILLE J. LEÓN,
 ELIE LESCOT,
 EDMÉ MANIGAT,
 PIERRE EUGÈNE DE LESPINASSE,
 CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
 RAMÓN ZAYDIN,
 CARLOS MÁRQUEZ STERLING,
 RAFAEL SANTOS JIMÉNEZ,
 CÉSAR SALAYA,
 CALIXTO WHITMARSH,
 JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

Art. 1. The High Contracting Parties bind themselves to establish permanent bilateral mixed commissions composed of representatives of the signatory governments which shall in fact be constituted, at the request of any of them, and such party shall give notice of such request to the other signatory governments.

Each Government shall appoint its own representative to the said commission, the meetings of which are to be held, alternatively, in the capital city of one and the other Governments represented in each of them. The first meeting shall be held at the seat of the Government which convokes it.

Art. 2. The duty of the aforementioned commissions shall be to study, with the primary object of eliminating them, as far as possible, the causes of future difficulties or controversies; and to propose additional or detailed lawful measures which it might be convenient to take in order to promote, as far as possible, the due and regular application of treaties in force between the respective parties, and also to promote the development of increasingly good relations in all ways between the two countries dealt with in each case.

Art. 3. After each meeting of any of the said preventive Commissions a minute shall be drawn and signed by its members setting out the considerations and decisions thereof and such minute shall be transmitted to the governments represented in the commissions.

Art. 4. The present treaty shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Art. 5. The present Treaty shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argen-

tine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Art. 6. The present Treaty will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

Art. 7. The present Treaty shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Treaty shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Treaty in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Reservation of the Delegation of Peru

Peru adheres to the above proposal with a reservation to Article 1 in the sense that it understands that recourse to the bilateral mixed commission is not mandatory but optional.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍEZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCILO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL CASTILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRIGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO
ACCIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE MILLER
MARÍA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
 EUGENIO MARTÍNEZ THEDY
 FELIPE FERREIRO
 ABALCÁZAR GARCÍA
 JULIO CÉSAR CERDEIRAS ALONSO
 GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
 JOSÉ A. MEDRANO
 ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
 JOSÉ MARÍA MONCADA
 MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
 TULIO M. CESTERO
 ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
 MIGUEL LÓPEZ PUMAREJO
 ROBERTO URDANETA ARBELÁEZ
 ALBERTO LLERAS CAMARGO
 JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
 JULIO J. FÁBREGA
 EDUARDO CHIARI

United States of America:

CORDELL HULL
 SUMNER WELLES
 ALEXANDER W. WEDDELL
 ADOLF A. BERLE, Jr.
 ALEXANDER F. WHITNEY
 CHARLES G. FENWICK
 MICHAEL FRANCIS DOYLE
 ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
 LUIS BARROS BORGOÑO
 FÉLIX NIETO DEL RÍO
 RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
 ANTONIO PONS
 JOSÉ GABRIEL NAVARRO
 FRANCISCO GUARDERAS

Bolivia:

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 PIERRE EUGÈNE DE LESPINASSE
 CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
 RAMÓN ZAYDIN
 CARLOS MÁRQUEZ STERLING
 RAFAEL SANTOS JIMÉNEZ
 CÉSAR SALAYA
 CALIXTO WHITMARSH
 JOSÉ MANUEL CARBONELL

GOOD OFFICES AND MEDIATION (INTER-AMERICAN)

Treaty signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited with the Pan American Union July 29, 1937

*Entered into force July 29, 1937*¹

Proclaimed by the President of the United States September 16, 1937

51 Stat. 90; Treaty Series 925

INTER-AMERICAN TREATY ON GOOD OFFICES AND MEDIATION

The Governments represented at the Inter-American Conference for the Maintenance of Peace;

Considering that, notwithstanding the pacts which have been concluded between them, it is desirable to facilitate, even more, recourse to peaceful methods for the solution of controversies,

Have resolved to celebrate a treaty of Good Offices and Mediation between the American Countries, and to this end have named the following Plenipotentiaries:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,
CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

¹ Date of deposit of second instrument of ratification.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRÍGUES ALVES,
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THIÉDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS ALONSO,
GERVASIO POSADAS BELGRANO.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO J. FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, Jr.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
LUIS BARROS BORGOÑO,
FÉLIX NIETO DEL RÍO,
RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
ANTONIO PONS,
JOSÉ GABRIEL NAVARRO,
FRANCISCO GUARDERAS,
EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
 DAVID ALVÉSTEGUI,
 EDUARDO DíEZ DE MEDINA.
 ALBERTO OSTRIA GUTIÉRREZ,
 CARLOS ROMERO,
 ALBERTO CORTADELLAS,
 JAVIER PAZ CAMPERO.

EDMÉ MANIGAT,
 PIERRE EUGÈNE DE LESPINASSE
 CLÉMENT MAGLOIRE.

Haiti:

H. PAULEUS SANNON,
 CAMILLE J. LEÓN,
 ELIE LESCOT,

Cuba:

JOSÉ MANUEL CORTINA,
 RAMÓN ZAYDIN,
 CARLOS MÁRQUEZ STERLING,
 RAFAEL SANTOS JIMÉNEZ,
 CÉSAR SALAYA,
 CALIXTO WHITMARSH,
 JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

Art. I. When a controversy arises between them, that cannot be settled by the usual diplomatic means, the High Contracting Parties may have recourse to the good offices or mediation of an eminent citizen of any of the other American countries, preferably chosen from a general list made up in accordance with the following article.

Art. II. To prepare the aforementioned list, each Government, as soon as the present treaty is ratified, shall name two citizens selected from among the most eminent by reason of their high character and juridical learning.

The designation shall immediately be communicated to the Pan American Union, which shall prepare the list and shall forward copies thereof to the contracting parties.

Art. III. According to the hypothesis set forth in Article I, the countries in controversy shall, by common agreement, select one of the persons named on this list, for the purposes indicated in this treaty.

The person selected shall name the place where, under his chairmanship, one duly authorized representative of each of the parties shall meet in order to seek a peaceful and equitable solution of the difference.

If the parties are unable to agree concerning the selection of the person lending his good offices or mediation, each one shall choose one of those named on the list. The two citizens chosen in this way shall select, from among the names listed, a third person who shall undertake the functions referred to, endeavoring, in so far as possible, to make a choice that shall be acceptable to both parties.

Art. IV. The mediator shall determine a period of time, not to exceed six nor be less than three months for the parties to arrive at some peaceful settlement. Should this period expire before the parties have reached some solution, the controversy shall be submitted to the procedure of conciliation provided for in existing inter-American agreements.

Art. V. During the procedure established in this Treaty each of the interested parties shall provide for its own expense and shall contribute equally to common costs or honoraria.

Art. VI. The present Treaty shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Art. VII. The present Treaty shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Art. VIII. The present Treaty will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

Art. IX. The present Treaty shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Treaty shall cease in its effects as regards the Party which denounces it, but shall remain in effect for the remaining High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Treaty in English, Spanish, Portuguese and French, and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCILO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL
CASTILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
 JOSÉ DE PAULA RODRIGUES ALVES
 HELIO LOBO
 HILDEBRANDO POMPEU PINTO
 ACCIOLY
 EDMUNDO DA LUZ PINTO
 ROBERTO CARNEIRO DE MENDONÇA
 ROSALINA COELHO LISBOA DE MILLER
 MARIA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
 EUGENIO MARTÍNEZ THEDY
 FELIPE FERREIRO
 ABALCÁZAR GARCÍA
 JULIO CÉSAR CERDEIRAS ALONSO
 GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
 JOSÉ A. MEDRANO
 ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
 JOSÉ MARÍA MONCADA
 MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
 TULIO M. CESTERO
 ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
 MIGUEL LÓPEZ PUMAREJO
 ROBERTO URDANETA ARBELÁEZ
 ALBERTO LLERAS CAMARGO
 JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
 JULIO J. FÁBREGA
 EDUARDO CHIARI

United States of America:

CORDELL HULL
 SUMNER WELLES
 ALEXANDER W. WEDDELL
 ADOLF A. BERLE, JR.
 ALEXANDER F. WHITNEY
 CHARLES G. FENWICK
 MICHAEL FRANCIS DOYLE
 ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
 LUIS BARROS BORGOÑO
 FÉLIX NIETO DEL RÍO
 RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
 ANTONIO PONS
 JOSÉ GABRIEL NAVARRO
 FRANCISCO GUARDERAS

Bolivia:

ENRIQUE FINOT
 DAVID ALVÉSTEGUI
 CARLOS ROMERO

Haiti:

H. PAULEUS SANNON
 CAMILLE J. LEÓN
 ELIE LESCOT
 EDMÉ MANIGAT
 PIERRE EUGÈNE DE LESPINASSE
 CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
 RAMÓN ZAYDIN
 CARLOS MÁRQUEZ STERLING
 RAFAEL SANTOS JIMÉNEZ
 CÉSAR SALAYA
 CALIXTO WHITMARSH
 JOSÉ MANUEL CARBONELL

PAN AMERICAN HIGHWAY

Convention signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited with the Pan American Union July 29, 1937

*Entered into force July 29, 1937*¹

Proclaimed by the President of the United States September 16, 1937

51 Stat. 152; Treaty Series 927

CONVENTION ON THE PAN AMERICAN HIGHWAY

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Cognizant of the fact that the primary purpose of the Inter-American Conference is the strengthening of the bonds of friendship already existing between the countries of this Continent;

Convinced that direct and material contact between the American peoples necessarily would strengthen those bonds, consolidating therefore the peace of the Continent;

Knowing that the general welfare will be greater when there is greater facility for the exchange of the products of said countries;

Considering, finally, that one of the most adequate and efficient means for the attainment of the moral and material end aimed at jointly by the American Republics, is the termination of a highway which establishes a permanent communication between their respective territories,

Have decided to conclude a convention on that subject and for such purpose, have appointed the following plenipotentiaries:

Argentina:

CARLOS SAAVEDRA LAMAS,

ROBERTO M. ORTIZ,

MIGUEL ANGEL CÁRCANO,

FELIPE A. ESPIL,

LEOPOLDO MELO,

ISIDORO RUIZ MORENO,

DANIEL ANTOKOLETZ,

CARLOS BREBBIA,

CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,

J. ISIDRO RAMÍREZ.

¹ Date of deposit of second instrument of ratification.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS ALONSO,
GERVASIO POSADAS BELGRANO.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO J. FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, Jr.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRÍGUES ALVES
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
 LUIS BARROS BORGOÑO,
 FÉLIX NIETO DEL RÍO,
 RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
 ANTONIO PONS,
 JOSÉ GABRIEL NAVARRO,
 FRANCISCO GUARDERAS,
 EDUARDO SALAZAR GÓMEZ.

Bolivia:

DAVID ALVÉSTEGUI,
 ENRIQUE FINOT,
 EDUARDO DÍEZ DE MEDINA,
 ALBERTO OSTRIA GUTIÉRREZ,
 CARLOS ROMERO,
 ALBERTO CORTADELLAS,
 JAVIER PAZ CAMPERO.

Haiti:

H. PAULEUS SANNON,
 CAMILLE J. LEÓN,
 ELIE LESCOT,
 EDMÉ MANIGAT,
 PIERRE EUGÈNE DE LESPINASSE,
 CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
 RAMÓN ZAYDIN,
 CARLOS MÁRQUEZ STERLING,
 RAFAEL SANTOS JIMÉNEZ,
 CÉSAR SALAYA,
 CALIXTO WHITMARSH,
 JOSÉ MANUEL CARBONELL.

Who, after exhibiting their Full Powers, found to be in good and due form, have agreed as follows:

Art. 1. The High Contracting Parties agree to collaborate, with all diligence and by all adequate means, in the speedy completion of a Pan American Highway, which will permit at all times the transit of motor vehicles.

Art. 2. The High Contracting Parties shall form a Commission of technical experts with the object of coordinating the work of the different governments and also to complete the studies and formulate the necessary projects in those countries which, not having heretofore completed this work, may need the cooperation of the Commission.

Art. 3. Immediately after ratifying the present Convention, the High Contracting Parties shall consult among each other with a view to appointing a financial committee composed of the representatives of three of the ratifying Governments. This Committee shall study the problems concerning the speedy completion of the Pan American Highway, and within a period not more than six months from the date of its constitution shall submit a detailed report for the consideration of the Governments, accompanied by a plan for the solution of said problems.

Art. 4. Finally the High Contracting Parties bind themselves to establish or designate at once in their respective territories at least one permanent public office, for the purpose of giving information on the work in progress, the sections of the Highway which are passable, the local transit regulations and

all other information which nationals and tourists of the signatory countries may require.

Art. 5. The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Art. 6. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Art. 7. The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

Art. 8. The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

Art. 9. The present Convention shall be open for the adherence and accession of States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French, and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCILO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL
CASTILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRIGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO
ACCIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE
MILLER
MARÍA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
EUGENIO MARTÍNEZ THEDY
FELIPE FERREIRO
ABALCÁZAR GARCÍA
JULIO CÉSAR CERDEIRAS ALONSO
GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
JOSÉ A. MEDRANO
ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
JOSÉ MARÍA MONCADA
MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
TULIO M. CESTERO
ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
MIGUEL LÓPEZ PUMAREJO
ROBERTO URDANETA ARBELÁEZ
ALBERTO LLERAS CAMARGO
JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
JULIO J. FÁBREGA
EDUARDO CHIARI

United States of America:

CORDELL HULL
SUMNER WELLES
ALEXANDER W. WEDDELL
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY
CHARLES G. FENWICK
MICHAEL FRANCIS DOYLE

Chile:

MIGUEL CRUCHAGA TOCORNAL
LUIS BARROS BORGOÑO
FÉLIX NIETO DEL RÍO
RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
ANTONIO PONS
JOSÉ GABRIEL NAVARRO
FRANCISCO GUARDERAS

Bolivia:

ENRIQUE FINOT
DAVID ALVÉSTEGUI
CARLOS ROMERO

Haiti:

H. PAULEUS SANNON
CAMILLE J. LEÓN
ELIE LESCOT
EDMÉ MANIGAT
PIERRE EUGÈNE DE LESPINASSE
CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
RAMÓN ZAYDIN
CARLOS MÁRQUEZ STERLING
RAFAEL SANTOS JIMÉNEZ
CÉSAR SALAYA
CALIXTO WHITMARSH
JOSÉ MANUEL CARBONELL

PROMOTION OF INTER-AMERICAN CULTURAL RELATIONS

Convention signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited with the Pan American Union July 29, 1937

*Entered into force December 7, 1937*¹

Proclaimed by the President of the United States September 16, 1937

Replaced by convention of March 28, 1954,² as between contracting parties to the later convention

51 Stat. 178; Treaty Series 928

CONVENTION FOR THE PROMOTION OF INTER-AMERICAN CULTURAL RELATIONS

The Governments represented at the Inter-American Conference for the Maintenance of Peace;

Considering that the purpose for which the Conference was called would be advanced by greater mutual knowledge and understanding of the people and institutions of the countries represented and a more consistent educational solidarity on the American continent; and

That such results would be appreciably promoted by an exchange of professors, teachers and students among the American countries, as well as by the encouragement of a closer relationship between unofficial organizations which exert an influence on the formation of public opinion,

Have resolved to conclude a convention for that purpose and to that effect have designated the following plenipotentiaries:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,

LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,
CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

¹ Date of deposit of second instrument of ratification.

² 8 UST 1903; TIAS 3936.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRÍGUES ALVES,
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,
ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS ALONSO,
GERVASIO POSADAS BELGRANO.

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO J. FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, JR.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
 LUIS BARROS BORGOÑO,
 FÉLIX NIETO DEL RÍO,
 RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
 ANTONIO PONS,
 JOSÉ GABRIEL NAVARRO,
 FRANCISCO GUARDERAS,
 EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
 DAVID ALVÉSTEGUI,
 EDUARDO DíEZ DE MEDINA,
 ALBERTO OSTRIA GUTIÉRREZ,
 CARLOS ROMERO,
 ALBERTO CORTADELLAS,
 JAVIER PAZ CAMPERO.

Haiti:

H. PAULEUS SANNON,
 CAMILLE J. LEÓN,
 ELIE LESCOT,
 EDMÉ MANIGAT,
 PIERRE EUGÈNE DE LESPINASSE
 CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
 RAMÓN ZAYDIN,
 CARLOS MÁRQUEZ STERLING,
 RAFAEL SANTOS JIMÉNEZ,
 CÉSAR SALAYA,
 CALIXTO WHITMARSH,
 JOSÉ MANUEL CARBONELL.

Who, after having deposited their Full Powers, found to be in good and due form, have agreed as follows:

Article I. Every year each Government shall award to each of two graduate students or teachers of each other country selected in accordance with the procedure established in Article II hereof, a fellowship for the ensuing scholastic year. The awards shall be made after an exchange between the two Governments concerned of the panels referred to in Article II hereof. Each fellowship shall provide tuition and subsidiary expenses and maintenance at an institution of higher learning to be designated by the country awarding the fellowship, through such agency as may seem to it appropriate, in cooperation with the recipient so far as may be practicable. Traveling expenses to and from the designated institution and other incidental expenses shall be met by the recipient or the nominating Government. Furthermore, each Government agrees to encourage, by appropriate means, the interchange of students and teachers of institutions within its territory and those of the other contracting countries, during the usual vacation periods.

Article II. Each Government shall have the privilege of nominating and presenting to each other Government on or before the date fixed at the close of this article a panel of the names of five graduate students or teachers together with such information concerning them as the Government awarding the fellowship shall deem necessary, from which panel the latter Government shall select the names of two persons. The same students shall not be nominated for more than two successive years; and, except under unusual circumstances, for more than one year. There shall be no obligation for any country

to give consideration to the panel of any other country not nominated and presented on or before the date fixed at the close of this article, and fellowships for which no panel of names is presented on or before the date specified may be awarded to applicants nominated on the panels of any other country but not receiving fellowships. Unless otherwise agreed upon between the countries concerned, the following dates shall prevail:

Countries of South America, November 30th.

All other countries, March 31st.

Article III. If for any reason it becomes necessary that a student be repatriated the Government awarding the fellowship may effect the repatriation, at the expense of the nominating Government.

Article IV. Each High Contracting Party shall communicate to each of the other High Contracting Parties through diplomatic channels, on the first of January of every alternate year, a complete list of the full professors available for exchange service from the outstanding universities, scientific institutions and technical schools of each country. From this list each one of the other High Contracting Parties shall arrange to select a visiting professor who shall either give lectures in various centers, or conduct regular courses of instruction, or pursue special research in some designated institution and who shall in other appropriate ways promote better understanding between the parties cooperating, it being understood, however, that preference shall be given to teaching rather than to research work. The sending Government shall provide the expenses for travel to and from the capital where the exchange professor resides and the maintenance and local travel expenses while carrying out the duties for which the professor was selected. Salaries of the professors shall be paid by the sending country.

Article V. The High Contracting Parties agree that each Government shall designate or create an appropriate agency or appoint a special officer, charged with the responsibility of carrying out in the most efficient way possible the obligations assumed by such Government in this Convention.

Article VI. Nothing in this convention shall be construed by the High Contracting Parties as obligating any one of them to interfere with the independence of its institutions of learning or with the freedom of academic teaching and administration therein.

Article VII. Regulations concerning details for which it shall appear advisable to provide, shall be framed, in each of the contracting countries, by such agency as may seem appropriate to its Government, and copies of such regulations shall be promptly furnished, through the diplomatic channel, to the Governments of the other High Contracting Parties.

Article VIII. The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article IX. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures.

The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article X. The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article XI. The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the city of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCILO PARA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL CASTILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRÍGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO
ACCIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE MILLER
MARÍA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
EUGENIO MARTÍNEZ THEDY
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JULIO CÉSAR CERDEIRAS ALONSO
GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
JOSÉ A. MEDRANO
ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
 JOSÉ MARÍA MONCADA
 MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
 TULIO M. CESTERO
 ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
 MIGUEL LÓPEZ PUMAREJO
 ROBERTO URDANETA ARBELÁEZ
 ALBERTO LLERAS CAMARGO
 JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
 JULIO J. FÁBREGA
 EDUARDO CHIARI

United States of America:

CORDELL HULL
 SUMNER WELLES
 ALEXANDER W. WEDDELL
 ADOLF A. BERLE, JR.
 ALEXANDER F. WHITNEY
 CHARLES G. FENWICK
 MICHAEL FRANCIS DOYLE
 ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
 LUIS BARROS BORGOÑO
 FÉLIX NIETO DEL RÍO
 RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
 ANTONIO PONS
 JOSÉ GABRIEL NAVARRO
 FRANCISCO GUARDERAS

Bolivia:

ENRIQUE FINOT
 DAVID ALVÉSTEGUI
 CARLOS ROMERO

Haiti:

H. PAULEUS SANNON
 CAMILLE J. LEÓN
 ELIE LESCOT
 EDMÉ MANIGAT
 PIERRE EUGÈNE DE LESPINASSE
 CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
 RAMÓN ZAYDIN
 CARLOS MÁRQUEZ STERLING
 RAFAEL SANTOS JIMÉNEZ
 CÉSAR SALAYA
 CALIXTO WHITMARSH
 JOSÉ MANUEL CARBONELL

INTERCHANGE OF PUBLICATIONS (INTER-AMERICAN)

Convention signed at Buenos Aires December 23, 1936

*Senate advice and consent to ratification, with an understanding,
August 1, 1939¹*

*Ratified by the President of the United States, with an understanding,
August 14, 1939¹*

*Ratification of the United States deposited with the Pan American
Union October 23, 1939*

*Entered into force April 1, 1938;² for the United States October 23,
1939*

Proclaimed by the President of the United States November 15, 1939

54 Stat. 1715; Treaty Series 954

CONVENTION ON INTERCHANGE OF PUBLICATIONS

The Governments represented in the Inter-American Conference for the Maintenance of Peace,

Desiring to conclude a convention relative to the exchange of publications, have named the following plenipotentiaries:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
JOSÉ MARÍA CANTILLO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,

CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

¹ The U.S. understanding reads as follows:

"To carry out the provisions of Article III, bilateral agreements may be entered into through exchanges of notes between the United States and the other Governments parties to the Convention setting forth the procedures to be followed, any modifications which may seem advisable in the number of copies of publications required to be exchanged under the said article, and the Government agencies to be responsible for the delivery of the publications."

² Date of deposit of the second instrument of ratification.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

Mexico:

FRANCISCO CASTILLO NÁJERA,
ALFONSO REYES,
RAMÓN BETETA,
JUAN MANUEL ALVAREZ DEL
CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO
SOARES,
OSWALDO ARANHA,
JOSÉ DE PAULA RODRÍGUES
ALVES,
HELIO LOBO,
HILDEBRANDO POMPEU PINTO
ACCIOLY,
EDMUNDO DA LUZ PINTO,
ROBERTO CARNEIRO DE
MENDONÇA,
ROSALINA COELHO LISBOA DE
MILLER,
MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
PEDRO MANINI RÍOS,
EUGENIO MARTÍNEZ THEDY,
JUAN ANTONIO BUERO,
FELIPE FERREIRO,

ANDRÉS F. PUYOL,
ABALCÁZAR GARCÍA,
JOSÉ G. ANTUÑA,
JULIO CÉSAR CERDEIRAS ALONSO,
GERVASIO POSADAS BELGRANO,

Guatemala:

CARLOS SALAZAR,
JOSÉ A. MEDRANO,
ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
JOSÉ MARÍA MONCADA,
MODESTA VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
TULIO M. CESTERO,
ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
MIGUEL LÓPEZ PUMAREJO,
ROBERTO URDANETA ARBELÁEZ,
ALBERTO LLERAS CAMARGO,
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
JULIO J. FÁBREGA,
EDUARDO CHIARI.

United States of America:

CORDELL HULL,
SUMNER WELLES,
ALEXANDER W. WEDDELL,
ADOLF A. BERLE, Jr.,
ALEXANDER F. WHITNEY,
CHARLES G. FENWICK,
MICHAEL FRANCIS DOYLE,
ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
LUIS BARROS BORGOÑO,
FÉLIX NIETO DEL RÍO,
RICARDO MONTANER BELLO.

Ecuador:

HUMBERTO ALBORNOZ,
ANTONIO PONS,
JOSÉ GABRIEL NAVARRO,
FRANCISCO GUARDERAS,
EDUARDO SALAZAR GÓMEZ.

Bolivia:

ENRIQUE FINOT,
DAVID ALVÉSTEGUI,
EDUARDO DíEZ DE MEDINA,
ALBERTO OSTRIA GUTIÉRREZ,
CARLOS ROMERO,
ALBERTO CORTADELLAS,
JAVIER PAZ CAMPERO.

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H. PAULEUS SANNON,
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ELIE LESCOT,
EDMÉ MANIGAT,
PIERRE EUGÈNE DE LESPINASSE,
CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
RAMÓN ZAYDIN,
CARLOS MÁRQUEZ STERLING,
RAFAEL SANTOS JIMÉNEZ,
CÉSAR SALAYA,
CALIXTO WHITMARSH,
JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

Article I. There shall be established in the national or official Library of the Capital of each of the Contracting Parties a section dedicated to each of the other States taking part in this Convention.

Article II. For the installation of these sections each Government promises to provide to each of the other Parties signatory to this Convention a collection of works of such character as to afford an understanding of the thought of their men of letters and science.

Article III. Each Government agrees to provide the accredited diplomatic missions of the other Contracting Parties with two copies of each of its official publications and such other publications as are edited with official assistance. These copies shall be destined for the sections indicated in Article I.³

Article IV. The national or official Libraries of the Capitals of the Contracting Parties shall enter into agreements to maintain, with the frequency desirable, a service of exchange of works edited in each one of them, and of photographic copies of documents which may be of interest to American history.

Article V. The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article VI. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs

³ For U.S. understanding, see footnote 1, p. 378.

of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article VII. The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article VIII. The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

Article IX. The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESFIL
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCILO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
JUAN MANUEL ALVAREZ DEL CASTILLO

Brazil:

JOSÉ CARLOS DE MACEDO SOARES
JOSÉ DE PAULA RODRÍGUES ALVES
HELIO LOBO
HILDEBRANDO POMPEU PINTO
ACCIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE MILLER
MARIA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
EUGENIO MARTÍNEZ THEDY
FELIPE FERREIRO
ABALCÁZAR GARCÍA
JULIO CÉSAR CERDEIRAS ALONSO
GERVASIO POSADAS BELGRANO

Guatemala:

CARLOS SALAZAR
JOSÉ A. MEDRANO
ALFONSO CARRILLO

Nicaragua:

LUIS MANUEL DEBAYLE
JOSÉ MARÍA MONCADA
MODESTO VALLE

Dominican Republic:

MAX HENRÍQUEZ UREÑA
TULIO M. CESTERO
ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
MIGUEL LÓPEZ PUMAREJO
ROBERTO URDANETA ARBELÁEZ
ALBERTO LLERAS CAMARGO
JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
JULIO J. FÁBREGA
EDUARDO CHIARI

United States of America:

CORDELL HULL
SUMNER WELLES
ALEXANDER W. WEDDELL
ADOLPH A. BERLE, JR.
ALEXANDER F. WHITNEY
CHARLES G. FENWICK
MICHAEL FRANCIS DOYLE
ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
LUIS BARROS BORGÑO
FÉLIX NIETO DEL RÍO
RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
ANTONIO PONS
JOSÉ GABRIEL NAVARRO
FRANCISCO GUARDERAS

Bolivia:

ENRIQUE FINOT
DAVID ALVÉSTEGUI
CARLOS ROMERO

Haiti:

H. PAULEUS SANNON
CAMILLE J. LEÓN
ELIE LESCOT
EDMÉ MANIGAT
PIERRE EUGÈNE DE LESPINASSE
CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
RAMÓN ZAYDIN
CARLOS MÁRQUEZ STERLING
RAFAEL SANTOS JIMÉNEZ
CÉSAR SALAYA
CALIXTO WHITMARSH
JOSÉ MANUEL CARBONELL

ARTISTIC EXHIBITIONS (INTER-AMERICAN)

Convention signed at Buenos Aires December 23, 1936

Senate advice and consent to ratification June 29, 1937

Ratified by the President of the United States July 15, 1937

Ratification of the United States deposited with the Pan American Union July 29, 1937

*Entered into force December 7, 1937*¹

Proclaimed by the President of the United States September 16, 1937

51 Stat. 206; Treaty Series 929

CONVENTION CONCERNING ARTISTIC EXHIBITIONS

The Governments represented at the Inter-American Conference for the Maintenance of Peace;

Desirous of improving their spiritual relationships through a better acquaintance with their respective artistic creations, have resolved to conclude a Convention relative to the exhibition of artistic productions, and to this effect have named the following plenipotentiaries:

Argentina:

CARLOS SAAVEDRA LAMAS,
ROBERTO M. ORTIZ,
MIGUEL ANGEL CÁRCANO,
FELIPE A. ESPIL,
LEOPOLDO MELO,
ISIDORO RUIZ MORENO,
DANIEL ANTOKOLETZ,
CARLOS BREBBIA,
CÉSAR DÍAZ CISNEROS.

Paraguay:

MIGUEL ANGEL SOLER,
J. ISIDRO RAMÍREZ.

Honduras:

ANTONIO BERMÚDEZ M.,
JULIÁN LÓPEZ PINEDA.

Costa Rica:

MANUEL F. JIMÉNEZ,
CARLOS BRENES.

Venezuela:

CARACCILO PARRA PÉREZ,
GUSTAVO HERRERA,
ALBERTO ZÉREGA FOMBONA.

Peru:

CARLOS CONCHA,
ALBERTO ULLOA,
FELIPE BARREDA LAOS,
DIÓMEDES ARIAS SCHREIBER.

El Salvador:

MANUEL CASTRO RAMÍREZ,
MAXIMILIANO PATRICIO BRANNON.

¹ Date of deposit of the second instrument of ratification.

Mexico:

FRANCISCO CASTILLO NÁJERA,
 ALFONSO REYES,
 RAMÓN BETETA,
 JUAN MANUEL ALVAREZ DEL
 CASTILLO.

Brazil:

JOSÉ CARLOS DE MACEDO SOARES,
 OSWALDO ARANHA,
 JOSÉ DE PAULA RODRÍGUES
 ALVES,
 HELIO LOBO,
 HILDEBRANDO POMPEU PINTO
 ACCIOLY,
 EDMUNDO DA LUZ PINTO,
 ROBERTO CARNEIRO DE .
 MENDONÇA,
 ROSALINA COELHO LISBOA DE
 MILLER,
 MARÍA LUIZA BITTENCOURT.

Uruguay:

JOSÉ ESPALTER,
 PEDRO MANINI RÍOS,
 EUGENIO MARTÍNEZ THEDY,
 JUAN ANTONIO BUERO,
 FELIPE FERREIRO,
 ANDRÉS F. PUYOL,
 ABALCÁZAR GARCÍA,
 JOSÉ G. ANTUÑA,
 JULIO CÉSAR CERDEIRAS ALONSO,
 GERVASIO POSADAS BELGRANO.

Guatemala:

CARLOS SALAZAR,
 JOSÉ A. MEDRANO,
 ALFONSO CARRILLO.

Nicaragua:

LUIS MANUEL DEBAYLE,
 JOSÉ MARÍA MONCADA,
 MODESTO VALLE.

Dominican Republic:

MAX HENRÍQUEZ UREÑA,
 TULIO M. CESTERO,
 ENRIQUE JIMÉNEZ.

Colombia:

JORGE SOTO DEL CORRAL,
 MIGUEL LÓPEZ PUMAREJO,
 ROBERTO URDANETA ARBELÁEZ,
 ALBERTO LLERAS CAMARGO,
 JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:

HARMODIO ARIAS M.,
 JULIO J. FÁBREGA,
 EDUARDO CHIARI.

United States of America:

CORDELL HULL,
 SUMNER WELLES,
 ALEXANDER W. WEDDELL,
 ADOLF A. BERLE, Jr.,
 ALEXANDER F. WHITNEY,
 CHARLES G. FENWICK,
 MICHAEL FRANCIS DOYLE,
 ELISE F. MUSSER.

Chile:

MIGUEL CRUCHAGA TOCORNAL,
 LUIS BARROS BORGÑO,
 FÉLIX NIETO DEL RÍO,
 RICARDO MONTANER BELIO.

Ecuador:

HUMBERTO ALBORNOZ,
 ANTONIO PONS,
 JOSÉ GABRIEL NAVARRO,
 FRANCISCO GUARDERAS,
 EDUARDO SALAZAR GÓMEZ.

Bolivia:

DAVID ALVÉSTEGUI,
 ENRIQUE FINOT,
 EDUARDO DÍEZ DE MEDINA,
 ALBERTO OSTRIA GUTIÉRREZ,
 CARLOS ROMERO,
 ALBERTO CORTADELLAS,
 JAVIER PAZ CAMPERO.

Haiti:

H. PAULEUS SANNON,
CAMILLE J. LEÓN,
ELIE LESCOT,
EDMÉ MANIGAT,
PIERRE EUGÈNE DE LESPINASSE,
CLÉMENT MAGLOIRE.

Cuba:

JOSÉ MANUEL CORTINA,
RAMÓN ZAYDIN,
CARLOS MÁRQUEZ STERLING,
RAFAEL SANTOS JIMÉNEZ,
CÉSAR SALAYA,
CALIXTO WHITMARSH,
JOSÉ MANUEL CARBONELL.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows.

Article I. Each of the High Contracting Parties agrees to grant, so far as its legislation may permit, all possible facilities for the holding within its territory of artistic exhibitions of each of the other Parties.

Article II. The facilities referred to in Article I shall be granted to Government agencies and to private enterprises which are officially authorized by them and shall be extended, as far as possible, to customhouse formalities and requirements, to transport on communication lines belonging to the respective States, to rooms for exhibition or storage, and to other matters related to the object referred to.

Article III. The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article IV. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article V. The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article VI. The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

Article VII. The present Convention shall be open for the adherence and accession of States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Argentina:

CARLOS SAAVEDRA LAMAS
ROBERTO M. ORTIZ
MIGUEL ANGEL CÁRCANO
JOSÉ MARÍA CANTILLO
FELIPE A. ESPI
LEOPOLDO MELO
ISIDORO RUIZ MORENO
DANIEL ANTOKOLETZ
CARLOS BREBBIA
CÉSAR DÍAZ CISNEROS

Paraguay:

MIGUEL ANGEL SOLER
J. ISIDRO RAMÍREZ

Honduras:

ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA

Costa Rica:

MANUEL F. JIMÉNEZ
CARLOS BRENES

Venezuela:

CARACCILO PARRA PÉREZ
GUSTAVO HERRERA
ALBERTO ZÉREGA FOMBONA

Peru:

CARLOS CONCHA
ALBERTO ULLOA
FELIPE BARREDA LAOS
DIÓMEDES ARIAS SCHREIBER

El Salvador:

MANUEL CASTRO RAMÍREZ
MAXIMILIANO PATRICIO BRANNON

Mexico:

FRANCISCO CASTILLO NÁJERA
ALFONSO REYES
RAMÓN BETETA
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CASTILLO

Brazil:

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JOSÉ DE PAULA RODRÍGUES ALVES
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HILDEBRANDO POMPEU PINTO
ACCIOLY
EDMUNDO DA LUZ PINTO
ROBERTO CARNEIRO DE MENDONÇA
ROSALINA COELHO LISBOA DE
MILLER
MARÍA LUIZA BITTENCOURT

Uruguay:

PEDRO MANINI RÍOS
EUGENIO MARTÍNEZ THEDY
FELIPE FERREIRO
ABALCÁZAR GARCÍA
JULIO CÉSAR CERDEIRAS ALONSO
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Guatemala:

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TULIO M. CESTERO
ENRIQUE JIMÉNEZ

Colombia:

JORGE SOTO DEL CORRAL
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ROBERTO URDANETA ARBELÁEZ
ALBERTO LLERAS CAMARGO
JOSÉ IGNACIO DÍAZ GRANADOS

Panama:

HARMODIO ARIAS M.
JULIO J. FÁBREGA
EDUARDO CHIARI

United States of America:

CORDELL HULL
SUMNER WELLES
ALEXANDER W. WEDDELL
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY
CHARLES G. FENWICK
MICHAEL FRANCIS DOYLE
ELISE F. MUSSER

Chile:

MIGUEL CRUCHAGA TOCORNAL
LUIS BARROS BORGOÑO
FÉLIX NIETO DEL RÍO
RICARDO MONTANER BELLO

Ecuador:

HUMBERTO ALBORNOZ
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Bolivia:

ENRIQUE FINOT
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Haiti:

H. PAULEUS SANNON
CAMILLE J. LEÓN
ELIE LESCOT
EDMÉ MANIGAT
PIERRE EUGÈNE DE LESPINASSE
CLÉMENT MAGLOIRE

Cuba:

JOSÉ MANUEL CORTINA
RAMON ZAYDIN
CARLOS MÁRQUEZ STERLING
RAFAEL SANTOS JIMÉNEZ
CÉSAR SALAYA
CALIXTO WHITMARSH
JOSÉ MANUEL CARBONELL

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Agreement, and protocol concerning transitional measures, signed at
London May 6, 1937*

*Senate advice and consent to ratification, with a reservation, December
20, 1937*¹

*Ratified by the President of the United States, with a reservation,
March 22, 1938*¹

Ratification of the United States deposited at London April 4, 1938

*Protocol entered into force May 6, 1937; agreement September 1, 1937,
as between signatories to protocol of July 22, 1942*²

Proclaimed by the President of the United States April 20, 1945

*Prolonged by protocol of July 22, 1942;*² *prolonged (with exception
of chapters III, IV, and V) by protocols of August 31, 1944,*³
*August 31, 1945,*⁴ *August 30, 1946,*⁵ *August 29, 1947,*⁶ *August 31,
1948,*⁷ *August 31, 1949,*⁸ *August 31, 1950,*⁹ *August 31, 1951,*¹⁰ *and
August 30, 1952*¹¹

*Terminated by agreement of October 1, 1953,*¹² *as between contracting
parties to the later agreement*

59 Stat. 922; Treaty Series 990

INTERNATIONAL AGREEMENT REGARDING THE REGULATION OF PRODUCTION AND MARKETING OF SUGAR

CONTENTS

Preamble

Chapter I. Definitions

Chapter II. General undertakings

Chapter III. Obligations of countries not exporting to the Free Market

¹ The U.S. reservation reads as follows:

"The separate statement, viz., 'I [Norman H. Davis] am instructed by my Government to state that, in the event that its existing legislation imposing quotas upon the importation and marketing of sugar lapses within the life of this Agreement, it will be its policy to maintain its tariff on full duty sugar at no higher rate than that now existing,' made on the part of the United States at the time of the signing of this agreement (May 6, 1937, at London) shall not be regarded as constituting a part of this agreement."

² TS 990, *post*, p. 722.

³ TS 990, *post*, p. 899.

⁴ TIAS 1523, *post*, p. 1248.

⁵ TIAS 1614, *post*, vol. 4.

⁶ TIAS 1755, *post*, vol. 4.

⁷ TIAS 1997, *post*, vol. 4.

⁸ 1 UST 625; TIAS 2114.

⁹ 3 UST 3921; TIAS 2525.

¹⁰ 3 UST 3926; TIAS 2526.

¹¹ 4 UST 2056; TIAS 2862.

¹² 6 UST 203; TIAS 3177.

Chapter IV. Export quotas for the Free Market

Chapter V. Stocks

Chapter VI. Establishment of an International Sugar Council

Chapter VII. Miscellaneous provisions

The Governments of—

The Union of South Africa,

The Commonwealth of Australia,

Brazil,

Belgium,

The United Kingdom of Great Britain and Northern Ireland,

China,

The Republic of Cuba,

Czechoslovakia,

The Dominican Republic,

France,

Germany,

Haiti,

Hungary,

India,

The Netherlands,

Peru,

Poland,

Portugal,

The Union of Soviet Socialist Republics,

The United States of America,

Yugoslavia,

In pursuance of the recommendation of the World Monetary and Economic Conference of 1933 that negotiations should continue with a view to establishing and maintaining an orderly relationship between the supply and demand for sugar in the world market;

Considering that the present situation of the sugar market renders it both possible and necessary for the Governments concerned to collaborate to this end;

Bearing in mind the principle laid down by the above-mentioned Conference that any international agreement for the regulation of production and marketing should be equitable both to producers and consumers;

Have agreed as follows:

Chapter I. *Definitions*

ARTICLE 1

For the purposes of the present Agreement—

(1) "Ton" means a metric ton of 1,000 kilograms.

"Long ton" means a ton of 2,240 lbs. avoirdupois.

"Short ton" means a ton of 2,000 lbs. avoirdupois.

(2) "Quota year" means the period from the 1st September to the 31st August.

(3) "Sugar" shall be deemed to include sugar in any of its commercial forms, except the product sold as final molasses, and also except the so-called "Goela Mangkok" sugar produced by primitive methods by natives of Java for their own account to which sugar the Government of the Netherlands East Indies does not extend its legislative measures.

The sugar equivalent of exports of the product known as "fancy molasses" from Barbados shall, however, be charged to the export quota of the British Colonial Empire.

The respective export quotas of sugar referred to in this Agreement shall, in the case of cane sugar producing countries, mean and refer to the nature and the types of sugar heretofore exported by such countries; and, in the case of beet sugar producing countries, shall mean raw sugar *tel quel*, white sugars of the latter countries to be converted to a raw basis at the rate of nine parts white to ten parts raw. Such quantities shall, in all cases, mean net weight excluding the container.

(4) "Net imports" means total imports after deducting total exports.

(5) "Net exports" means total exports after deducting total imports.

(6) "Exports to the free market" shall include all net exports from the countries to which export quotas for the free market are or may be allotted under Article 19, with the exception of—

(a) exports from the Republic of Cuba to the United States of America under any import quota allotted by the United States of America to Cuba; provided that such sugar is not re-exported from the United States of America to any country except Cuba, and further provided that any sugar exported from Cuba to the United States of America under a quota allotted under paragraph (a) of Article 9 shall be included in the exports of Cuba to the free market;

(b) exports from any country to the United States of America under paragraph (c) of Article 9 of this Agreement;

(c) exports from the U.S.S.R. to Mongolia, Sin Kiang and Tannu Tuva;

(d) exports from French Colonies to France, Algeria and other French Colonies and from France to Algeria, and French Colonies;

(e) exports from the Commonwealth of the Philippines to the United States of America;

(f) sugar sent from Belgium to Luxemburg, which in virtue of the Belgo-Luxemburg Economic Union does not rank as an export.

(7) "The Council" means the International Sugar Council to be set up under the present Agreement.

Chapter II. *General Undertakings*

ARTICLE 2

The Contracting Governments agree that it is their policy so to direct the arrangements made under the present Agreement as always to assure consumers of an adequate supply of sugar on the world market at a reasonable price not to exceed the cost of production, including a reasonable profit, of efficient producers.

ARTICLE 3

The Contracting Governments shall take all the legislative or administrative measures necessary for the execution of the present Agreement. The texts of such measures shall be communicated to the Secretariat of the Council.

ARTICLE 4

While recognising that all Government measures relating to agrarian policy and to state assistance to the sugar industry are governed by the internal conditions of each country and in many cases require the approval of Parliament, the Contracting Governments agree that it is desirable that—

(a) If and when prices on the free market rise, all necessary steps should be taken to prevent the rise in world prices from leading on the one hand to an increase of internal prices for consumers such as would be likely to check consumption, and on the other hand to a rise of wholesale prices (beyond the level required to secure a fair return for growers and producers) to such a point as to stimulate excess production not justified by the requirements of the market, thus defeating the object of the present Agreement;

(b) In sugar exporting countries whose internal prices are not directly affected by a rise in the world price of sugar, all necessary steps should be taken to prevent the increase in the returns received from sugar production for export from causing the same difficulty by stimulating excessive and unjustified production.

ARTICLE 5

The Contracting Governments agree that, as far as possible, favourable consideration should be given to all proposals having for their object:—

(a) the reduction of disproportionate fiscal burdens on sugar;

(b) the encouragement and support of all efforts to promote increased consumption of sugar in countries in which consumption is low by means

of suitable publicity campaigns or by other effective means both on the national and, where considered appropriate, on the international plane;

(c) appropriate action to check the abuses resulting from the substitution for sugar of substances having no comparable food value;

(d) the search for new and alternative uses for sugar, within the framework of national activities.

ARTICLE 6

The Council shall—

(a) make a full study, acting if it considers it desirable in conjunction with appropriate international organisations such as the International Institute of Agriculture, of the various forms of state assistance in order in particular to formulate proposals for carrying out the principle laid down in Article 4, taking into account the varying conditions under which sugar production is carried on, and, in particular, the conditions of agricultural production;

(b) enquire into the effect on the free market of direct or indirect premiums granted to sugar-producing industries in general;

(c) examine the possibility of promoting between white sugar exporting countries reciprocal agreements to respect their national markets;

(d) collect available information in regard to the matters dealt with in Article 5;

(e) submit the results of enquiries made in regard to the matters dealt with in this Article for the consideration of Contracting Governments.

ARTICLE 7

The Contracting Governments undertake to supply all available statistics and information requested by the Council or the Executive Committee and to comply with any other reasonable request made by those bodies within the scope and provisions of the present Agreement.

Chapter III. *Obligations of Countries Not Exporting to the Free Market*

ARTICLE 8

In order to contribute, so far as they are each concerned, to the maintenance and if possible the expansion of the free market for sugar the Governments hereinafter specified accept for the period of the present Agreement the specific obligations set forth in the succeeding Articles of this Chapter.

ARTICLE 9

(a) The Government of the United States undertakes, with respect to the United States, its territories and possessions, except the Commonwealth of the Philippines, to permit during each calendar year a net importation from foreign countries not enjoying preferential duty rates (*i.e.*, the quantity by which imports from such countries exceed total exports to the world

market, it being understood that supplies from the Commonwealth of the Philippines and re-exports of Cuban sugar from the United States are not to be included in reckoning net importation) of a quantity of sugar which shall be a proportion of the quantity needed to meet the requirements of consumers in continental United States at least equal to the proportion allotted to such foreign countries during the calendar year 1937 in accordance with General Sugar Quota Regulations, Series 4, No. 1, issued by the United States Department of Agriculture on the 12th December, 1936. If the quota of the Commonwealth of the Philippines should be reduced below an amount equal to 800,000 long tons of unrefined sugar plus 50,000 long tons of refined sugar, the Government of the United States further undertakes to permit a net importation (as defined above) from foreign countries of a net quantity of sugar equal to the amount of such reduction.

(b) Furthermore, in the allocation of import quotas to foreign countries as provided above, the Government of the United States undertakes that the percentage so allotted to countries parties to the present Agreement shall not in the aggregate be less than the percentage allotted to those countries at the time of the signature of the Agreement.

(c) The Government of the United States reserves the right to increase the net imports of sugar (as defined above) from foreign countries not enjoying preferential duty rates over and above the minimum import quotas to be allocated to them under the provisions of paragraphs (a) and (b) above, such excess not to be chargeable to the export quotas of such foreign countries and not to be included in reckoning the net importation for the purposes of paragraph (a).

ARTICLE 10

(a) The Government of the Commonwealth of the Philippines undertakes, so long as the United States maintains a quota for Philippine sugar of not less than an amount equal to 800,000 long tons of unrefined sugar plus 50,000 long tons of refined sugar per calendar year, not to export sugar to countries other than the United States, its territories and possessions, until additional export quotas are allotted under Article 20 of the present Agreement. In the event of such additional quotas being allotted, the Commonwealth of the Philippines will be entitled to export to the free market during the period for which such additional quotas are in force an amount equal to 4 per cent. of the aggregate of such additional quotas.

(b) In the event of a reduction in the quota for Philippine sugar for importation into the United States below a quantity equal to 800,000 long tons of unrefined sugar plus 50,000 long tons of refined sugar per calendar year, the Commonwealth of the Philippines shall be allotted a basic export quota for the free market equal to the quantity by which such quota in the United States is reduced plus the 4 per cent. above mentioned.

(c) The Government of the Commonwealth of the Philippines will not claim any quota for export to the free market because of any change which may take place during the period of the present Agreement in the tariff conditions under which Philippine sugar is admitted into the United States, and in return the Contracting Governments agree not to claim, in virtue of any most-favoured-nation rights granted to them by the Government of the United States, the benefit of any advantages with respect to sugar which may be accorded to, or agreed upon with, the Philippines by the Government of the United States during the period of the present Agreement.

ARTICLE 11

The Government of the United Kingdom undertakes, subject to the provisions of Article 14 below—

(a) To maintain in operation during the period of the present Agreement those provisions of the Sugar Industry (Reorganization) Act, 1936, designed to limit the annual production of sugar in Great Britain to a standard quantity of 560,000 long tons of white sugar (*i.e.*, approximately 618,000 metric tons raw value).

(b) That during the period of the present Agreement the total exports from the British Colonial Empire shall be limited to a basic figure of 965,254 metric tons per quota year.

ARTICLE 12

The Government of the Commonwealth of Australia undertakes, subject to the provisions of Article 14 below, to limit exports from Australia to a basic figure of 406,423 metric tons per quota year during the period of the present Agreement.

ARTICLE 13

The Government of the Union of South Africa undertakes, subject to the provisions of Article 14 below, to limit exports from the Union to a basic figure of 209,000 metric tons per quota year during the period of the present Agreement.

ARTICLE 14

(a) The Government of the United Kingdom, the Government of the Commonwealth of Australia and the Government of the Union of South Africa reserve the right respectively to increase the standard quantity for production in Great Britain and the basic quotas for exports of the Colonial Empire, Australia and South Africa, specified above, proportionately to any increase in requirements over and above the consumption requirements for the year ending the 31st August, 1937, of the United Kingdom plus the aggregate of the net import requirements for that year of each of the other parts of the British Empire.

Provided that there shall be reserved for exporters to the free market a percentage of the increase so calculated not less than the percentage of the aforesaid requirements supplied by the exporters to the free market in the year ending on the 31st August, 1937.

(b) The Governments of the United Kingdom, the Commonwealth of Australia and the Union of South Africa, in consultation with the Council, shall determine before the commencement of each quota year the estimated amount of the increase in requirements as aforesaid for that year, and the said Governments will thereupon notify the Council what amount of such estimated increase will be added to the standard quantity referred to in Article 11 (a) above or the export quotas referred to in Articles 11 (b), 12 and 13 as the case may be, and what amount will be available for exporters to the free market.

(c) The Governments of the Commonwealth of Australia and of the Union of South Africa agree not to claim any increase of their basic quotas, as fixed in Articles 12 and 13 respectively, in the year commencing the 1st September, 1937, without prejudice to their rights to their full share in the increase in future years of the aforesaid requirements as compared with the year ending the 31st August, 1937, and their shares of the increase of requirements in the year commencing the 1st September, 1937, shall be made available for exporters to the free market.

(d) If in any year the actual increase of requirements calculated as aforesaid exceeds or falls short of the estimate made as provided in paragraph (b) of this Article, a correction shall if necessary be made by deduction from or addition to the quotas for the next succeeding year.

ARTICLE 15

The provisions of Articles 22, 23 and 25 shall apply to the export quotas fixed by Articles 11, 12 and 13 above, and these quotas shall also be subject to the rules of paragraph (a) of Article 24 regarding notification of inability to utilise quotas, in the same way as if the said quotas were quotas for export to the free market. In the event of such notification of inability to utilise quotas the parts not to be utilised may be redistributed among the other territories referred to in Articles 11, 12 and 13.

ARTICLE 16

(a) The Government of India undertakes to prohibit exports of sugar by sea elsewhere than to Burma during the period of the present Agreement.

(b) In the event of re-export of Indian sugar by sea from Burma rendering the Government of India's contribution to the present Agreement ineffective, the Government of India will take up the matter with the Government of Burma with a view to reaching arrangements which will render the Government of India's contribution effective.

ARTICLE 17

The Government of China will use its best endeavours, so far as circumstances permit, to the end that the sugar import requirements of the Chinese market shall not decrease during the period of the present Agreement.

ARTICLE 18

The Government of the Netherlands, in respect of its territory in Europe, undertakes to refrain from net exports of sugar; it reserves the right to cover the requirements of its home market by its home production and imports from other parts of the Kingdom.

The Government of the Netherlands, in respect of Netherlands Guiana, undertakes to refrain from net exports of sugar to countries outside the Kingdom of the Netherlands.

Chapter IV. *Export Quotas for the Free Market*

ARTICLE 19

(a) The Contracting Governments shall have the basic export quotas for the free market which are set out below:

<i>Country</i>	<i>Basic Quota (metric tons)</i>
Belgium (including Belgian Congo).....	20,000
Brazil	60,000
Cuba	940,000
Czechoslovakia	250,000*
Dominican Republic.....	400,000
Germany	120,000
Haiti	32,500
Hungary	40,000
Netherlands (including overseas territories).....	1,050,000
Portugal (including overseas possessions).....	30,000
Peru	330,000
Poland	120,000
Union of Soviet Socialist Republics (excluding exports to Mongolia, Tannu Tuva and Sin-Kiang).....	230,000
Total	3,622,500

*Czechoslovakia will receive the following extra allotments:

Year beginning—

September 1, 1937: 90,000 metric tons.

September 1, 1938: 60,000 " "

September 1, 1939: 25,000 " "

It being understood that Czechoslovakia will take steps to reduce its acreage to correspond to those figures.

(b) It is further provided that 47,500 tons for the free market shall be placed in reserve. This reserve quota, if needed, will be at the disposal of those Governments which, while they have no separate quotas, have before signing the present Agreement, taken measures to balance their production and

consumption, and have not been habitual exporters, in order that they may be able in any particular year to export an unexpected surplus of output.

Yugoslavia shall in any case have a claim on the reserve up to 12,500 tons during each year of the Agreement.

France will be entitled to place upon the free market a possible surplus of production, whether home or colonial, up to the balance of the reserve after deducting any amount utilised by Yugoslavia.

If in any year France does not utilise the balance of the reserve after deducting the amount of 12,500 tons available for Yugoslavia, the exports of Yugoslavia may be increased up to a maximum of 15,000 tons.

(*c*) If there shall be allotted to the Commonwealth of the Philippines, under the provisions of Article 10, a basic export quota, that quota shall be subject in all respects to the same provisions as the export quotas set out in paragraph (*a*) of this Article.

(*d*) In the event of a non-signatory Government acceding to the present Agreement in accordance with Article 49 a basic export quota may be assigned to it in agreement with the said Government by the Council acting by unanimity of the votes cast.

ARTICLE 20

If the Council shall at any time decide by three-fifths of the votes cast that, having regard to the requirements of the market, additional supplies are desirable, it shall allot additional quotas to all the countries concerned for such period (not exceeding one year) as it may decide, the additional quotas for each country being proportional to the basic quota of that country. The Council shall at the same time make a corresponding proportionate increase in the reserve quota. Yugoslavia shall have a claim on such increase in the reserve quota proportionate to its claim on the original amount of the reserve. Furthermore, the Council shall, in accordance with Article 10, allot to the Commonwealth of the Philippines an export quota equal to 4 per cent. of the aggregate of the additional quotas allotted, including the increase in the reserve quota.

ARTICLE 21

(*a*) The Council shall be empowered for the year beginning the 1st September, 1937, and/or the year beginning the 1st September, 1938, to reduce export quotas by a uniform percentage not exceeding 5 per cent. if, after a survey of the probable requirements of the market for the year in question, it decides that such reduction is necessary. For this purpose export quotas shall be deemed to be the basic quotas after deducting any part of such quotas released under Article 24 (*a*) or adding any special allocations made under Article 24 (*b*) for the years in question.

(b) In subsequent years, it shall be open to the Council to recommend at any time whether, and to what extent, a reduction would be desirable, but such reduction shall come into force only if all the members of the Council representing countries entitled to basic quotas or to participation in the reserve, consent to it.

ARTICLE 22

Each Contracting Government to which an export quota has been or may be allotted undertakes to ensure that net exports from its territories to the free market for any given quota year shall not exceed the export quota in force for it in that year under the provisions of the present Agreement.

ARTICLE 23

If in any year of the Agreement a Contracting Government should not export its quota or any part of it, it shall not thereby acquire any right to an increase of its quota in the following year.

Nevertheless, if the Government of Czechoslovakia proves to the satisfaction of the Executive Committee that, owing to a low or high water level or the presence of ice on the Elbe, Czechoslovakia has been unable to export her full quota in any quota year, the Czechoslovak Government may be permitted to export the deficiency during the first three months of the next quota year, in addition to her quota for that year.

ARTICLE 24

(a) Each Contracting Government shall notify the Council, as soon as possible, if it does not propose to make use of its export quota, or any part of it, in any quota year, so that the quantities which will not be used may be redistributed (i) among the other Contracting Governments which notify the Council that they are in a position to use them and (ii) to the reserve quota. Subject to paragraph (b) below, this redistribution shall be made *pro rata* according to the basic quotas.

(b) The Council shall in any given quota year have power to use up to 25 per cent. of the quotas available for redistribution or up to 50,000 metric tons of such quotas, whichever shall be the larger amount, to meet proved cases of special hardship. Nevertheless, if in a particular year the amount available for redistribution should be less than 30,000 tons, the Council shall have power, should a proved case of special hardship arise, to allot to meet the necessities of that case an amount up to 30,000 tons. The excess of this amount over the amount available for redistribution shall constitute an increase of the supplies to the free market and the quotas of other Contracting Governments shall not be affected.

(c) The Governments of the following countries have given notice that during the quota year beginning on the 1st September, 1937, they will not make use of the parts of their export quotas herein indicated:

	<i>Tons</i>
Belgium	5,000
Germany	70,000
Hungary	20,000
Poland	20,000
U.S.S.R.	11,500

The French Government has given notice that during the above-mentioned quota year the reserve quota may be reduced by 22,500 tons.

ARTICLE 25

Neither the basic quotas nor the export quotas for a particular year nor any additional quotas may be ceded by one Contracting Government to another.

Chapter V. *Stocks*

ARTICLE 26

(a) While the Contracting Governments fully realise that due regard must be had to the necessity of maintaining adequate reserve supplies to meet unexpected demands, they agree that it is undesirable that excessive stocks of sugar which would weigh on the market should be accumulated in their respective countries.

(b) Those Contracting Governments to which export quotas have been or may be allotted under the present Agreement, undertake so to regulate their production that the stocks in their respective countries shall not exceed, for each country, on a fixed date in each year to be agreed with the Council, an amount equal to 25 per cent. of its annual production.

(c) Nevertheless, the Council may if it considers that such action is justified by special circumstances allot to any country a stock in excess of 25 per cent. of its production.

(d) On account of its special situation in connection with exports to the United States and the requirements of Contract No. 4 on the New York Sugar Exchange, the Republic of Cuba may have at the end of each calendar year as stocks (1) for the United States an amount not to exceed 30 per cent. of its export quota to that country, (2) for the free market, an amount not to exceed 300,000 metric tons, provided that a system of control is maintained by the Government of the Republic of Cuba, by means of identity certificates or otherwise, which ensures that such stocks are used for those purposes.

(e) Having regard to the special conditions of production in the Netherlands East Indies, that territory shall be permitted to have a stock not exceeding 500,000 tons on the 1st April in each year.

(f) Hungary shall be permitted to have a stock of 30 per cent. of its annual production.

ARTICLE 27

Those Contracting Governments to which free market export quotas have been allotted agree in respect of their cane producing territories to regulate

sugar production in those territories, unless prevented from doing so by drought, flood or other adverse conditions, so that stocks shall equal, on a fixed date in each year to be agreed with the Council, an amount not less than 10 per cent. of their respective export quotas for such year, provided nothing in this Article shall be construed as requiring any country to produce in excess of its basic export quota specified in Article 19 during either of the years 1937-38 or 1938-39.

ARTICLE 28

The Council shall in due course determine what shall be regarded as "stocks" of sugar for the purpose of Articles 26 and 27.

Chapter VI. *Establishment of an International Sugar Council*

ARTICLE 29

The present Agreement shall be under the administration of—

(a) A General Council, which shall be known as the International Sugar Council and shall be composed of delegates representing the Contracting Governments.

(b) An Executive Committee of nine members.

ARTICLE 30

The seat of the Council and of the Executive Committee shall be in London.

ARTICLE 31

Each Contracting Government shall appoint a delegation to the Council. Each delegation shall consist of not more than three members and its composition may be changed by giving formal notice to the chairman of the Council. Each delegation may be accompanied by not more than three advisers. Each delegation shall appoint one of its members to cast the vote of the delegation.

ARTICLE 32

The Council shall elect from amongst its members a Chairman and a Vice-Chairman who shall hold office for such period as it may determine.

ARTICLE 33

The Council shall have the following powers and duties:

(a) The general administration of the present Agreement, without prejudice to the powers which the Agreement gives to the Executive Committee;

(b) To elect its Chairman and Vice-Chairman and any other officers that it may consider necessary, determine their powers and duties and fix their terms of office;

(c) To estimate, at least twenty days before the beginning of each quota year, the requirements of consumption of the free market for that year;

(d) To appoint such permanent or temporary committees as it considers advisable for the proper working and administration of the present Agreement, and to determine their functions and duties;

(e) To approve the annual budget of expenses and fix the amounts to be contributed by each Contracting Government in accordance with the principles laid down in Article 35;

(f) To obtain such statistics and other data as it considers necessary for the execution of the present Agreement, and to publish such information as it may consider desirable;

(g) To endeavour to secure the accession of non-signatory Governments whose participation it considers desirable;

(h) In general, to exercise all the powers which may be necessary to carry out the present Agreement.

ARTICLE 34

The Council shall appoint a Secretary and take all other necessary measures to establish a Secretariat which shall be entirely free and independent of any other national or international organisation or institution.

ARTICLE 35

The expenses of delegations to the Council and of the members of the Executive Committee shall be defrayed by their respective Governments. All other expenses necessary for the administration of the present Agreement, including those of the Secretariat, shall be met by annual contributions of the Contracting Governments made in such manner and at such times as the Council shall determine, and shall not, except with the express consent of all the Contracting Governments, exceed £12,500 in any year. The contribution of each Government shall be proportionate to the number of votes to which its delegation is entitled.

ARTICLE 36

(a) The Council shall meet at least once a year. It may be convened at any time by its Chairman. The Chairman shall immediately convene a meeting of the Council if either the Executive Committee or five Contracting Governments so request. Notice of all meetings shall be despatched so as to ensure receipt by the Contracting Governments at least twenty days in advance of the date fixed for the meeting.

(b) The necessary quorum for a meeting of the Council shall be secured if not less than one third of the Contracting Governments are represented. One or more Contracting Governments may by a written notification to

the Chairman appoint the delegation of another Contracting Government to represent them and to vote on their behalf at any meeting of the Council.

(c) The Council may take decisions without holding a meeting, by correspondence between the Chairman and the delegations of the Contracting Governments provided that no delegation makes objection to this procedure. Any decision so taken shall be communicated to all the delegations as soon as possible, and shall be set forth in the Minutes of the next meeting of the Council.

ARTICLE 37

(a) The votes to be exercised by the respective delegations on the Council shall be as follows:

Exporting Countries—			
Union of South Africa	2	Philippines	1
Australia	3	Poland	2
Belgium	1	Portugal	1
Brazil	2	U.S.S.R.	5
Cuba	10	Yugoslavia	1
Czechoslovakia	3		
Dominican Republic	3	Total	55
France	3	Importing Countries—	
Germany	4	China	5
Haiti	1	India	6
Hungary	1	United Kingdom	17
Netherlands	9	United States	17
Peru	3		
		Total	100

(b) In the event of a non-signatory Government acceding to the present Agreement in accordance with the provisions of Article 49 the Council shall decide what number of votes shall be allotted to that Government.

(c) In the event of any Government in the group either of exporting countries or of importing countries failing to ratify the Agreement or subsequently withdrawing from it, the votes allotted to the delegation of that Government shall be redistributed, *pro rata*, between the other countries in the same group, and if any non-signatory Government should accede to the Agreement, the votes allotted to it shall be deducted *pro rata* from the other countries in the same group, so that the proportion of 55 votes for the exporting countries and 45 votes for the importing countries shall be maintained. For the purposes of this paragraph any acceding Government to which an export quota is not allotted shall be included as an importing country.

ARTICLE 38

Except where otherwise provided, decisions of the Council shall be taken by a simple majority of the votes of the Contracting Governments represented at the meeting.

ARTICLE 39

(a) The Executive Committee shall consist of:

(i) Three representatives of Governments of importing countries;

(ii) Three representatives of Governments of cane sugar producing countries;

(iii) Three representatives of Governments of beet sugar producing countries.

(b) The representatives of the above-mentioned groups of countries shall, subject to the provisions of paragraph (c) of this Article, be as follows:

(i) For the importing countries the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America shall be represented for the whole period of the Agreement, and the Governments of the other countries referred to as importing countries in Article 37 shall select annually one of their number, who shall appoint the third member for this group.

(ii) For the cane sugar producing countries the Government of the Republic of Cuba and the Government of the Netherlands shall be represented for the whole period of the Agreement, and the Governments of the following countries shall be represented for the years indicated:

Year commencing—

September 1, 1937: The Commonwealth of Australia.

September 1, 1938: The Dominican Republic.

September 1, 1939: Peru.

September 1, 1940: The Union of South Africa.

September 1, 1941: Brazil.

(iii) For the beet sugar producing countries the Governments of the following countries shall be represented for the periods indicated:

Year commencing—

September 1, 1937: Czechoslovakia, Germany, the U.S.S.R.

September 1, 1938: Czechoslovakia, Germany, the U.S.S.R.

September 1, 1939: Czechoslovakia, France, Poland.

September 1, 1940: Belgium, Germany, the U.S.S.R.

Six months commencing September 1, 1941: France, Hungary, Poland.

Six months commencing March 1, 1942: France, Poland, Yugoslavia.

(c) The Chairman of the Council shall *ex officio* be a member of the Executive Committee and during his term of office the Government of which he is a representative shall not be entitled to appoint any further representative on the Executive Committee under paragraph (b) of this Article.

ARTICLE 40

The Executive Committee shall exercise any powers which the Council may delegate to it except—

(1) the power of reducing quotas under Article 21;

(2) the power of allotting additional quotas under Article 20;

- (3) the power of determining the conditions on which any nonsignatory Government may accede to the Agreement under Article 49;
- (4) the powers to be exercised under Articles 44 and 51.

ARTICLE 41

Whenever the Executive Committee considers that the export quotas fixed for a quota year are not sufficient to cover the requirements of consumption or that a sudden and excessive rise of price is probable, it shall make to the Council by telegraph such recommendations as it thinks necessary for the release of additional quotas under Article 20 and shall request a decision by telegraph. If approval of the recommendations is not given by telegraph within five days by delegations exercising the necessary majority of votes provided for in Article 20, the Chairman shall immediately summon a meeting of the Council

ARTICLE 42

(a) The Executive Committee shall meet whenever its Chairman considers it advisable or whenever the request is made by any two members.

(b) The presence of five members shall be necessary to constitute a quorum. Decisions shall be taken by a majority of the votes cast.

(c) Each member of the Executive Committee shall have one vote with the exception of the representatives of the Governments of the United States of America and of the United Kingdom, who shall have two votes each.

(d) The Chairman of the Committee shall have a deciding vote in case of equality of votes.

(e) Any member of the Committee may by a notification in writing appoint another member to represent him and vote on his behalf.

Chapter VII. *Miscellaneous Provisions*

ARTICLE 43

The present Agreement shall apply to all the territories of each of the Contracting Governments including colonies, oversea territories, protectorates and territories under suzerainty or mandate.

ARTICLE 44

(a) If any Contracting Government alleges that any other Contracting Government has failed to comply with the obligations of the present Agreement a special meeting of the Council shall be called to decide whether any infringement of the Agreement has taken place, and, if so, what measures shall be recommended to the Contracting Governments in view of the infringement. If the Council shall decide that it is desirable that the other Contracting Governments shall prohibit or restrict the import of sugar from the country which has infringed the Agreement, the taking of such measures shall not be

deemed to be contrary to any most-favoured-nation rights which the offending Government may enjoy.

(*b*) Any decision of the Council under this Article shall be taken by three-fourths of the votes cast.

ARTICLE 45

If during the period of the present Agreement it should be considered or should be shown that the attainment of its objects was being hindered by countries not party thereto, a special meeting of the Council shall be called to decide what measures should be recommended to the Contracting Governments.

ARTICLE 46

Should the Council at any time be satisfied that, as the result of a material increase in the exportation or use of sugar syrups, liquid sugar, edible molasses or any other kind of sugar mixtures, those products are taking the place of sugar to such an extent as to prevent full effect being given to the purposes of the present Agreement, it may resolve that such products or any of them shall be deemed to be sugar, in respect of their sugar content, for the purposes of the Agreement; provided that the Council shall, for the purpose of calculating the amount of sugar to be charged to the export quota of any country, exclude the sugar equivalent of any quantity of such products which has normally been exported from that country prior to the coming into force of the Agreement.

ARTICLE 47

The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify the fact of each deposit to the Governments which have signed the Agreement.

ARTICLE 48

(*a*) The present Agreement shall come into force on the 1st September, 1937, if at that date it has been ratified by all the signatory Governments.

(*b*) If by the above-mentioned date the instruments of ratification of all the signatories have not been deposited, the Governments which have ratified the Agreement may decide to put it into force among themselves.

ARTICLE 49

(*a*) The present Agreement shall, until the 30th June, 1937, remain open for signature on the part of any Government represented at the Conference at which the Agreement has been drawn up. The right to effect such signature after this day's date shall be dependent on the signatory Government also signing the Protocol attached hereto.

(b) The present Agreement shall at any time after its entry into force be open to accession by the Government of any metropolitan territory other than a Government which has signed the Agreement, provided that the conditions of such accession shall first be agreed upon with the Council by the Government desiring to effect it.

ARTICLE 50

(a) Subject to the provisions of Article 51, the present Agreement shall remain in force for a period of five years from the date of its entry into force and shall not be subject to denunciation.

(b) The Contracting Governments shall decide at least six months before the expiration of the present Agreement whether it shall be continued for a further period and, if so, on what terms. In the event of unanimity not being attained the Governments which desire to maintain the Agreement shall be entitled to do so as between themselves.

ARTICLE 51

The Contracting Governments shall have the right to withdraw from the Agreement in the following circumstances and subject to the following conditions:

(a) Any Contracting Government may, if it becomes involved in hostilities, apply for the suspension of its obligations under the Agreement. If the application is denied such Government may give notice of withdrawal from the Agreement.

(b) If any Contracting Government into whose territories there is a net import of sugar shall allege that, owing to the operation of the present Agreement, there is an acute shortage of supplies or an abnormal rise in world prices, it may request the Council to take measures to remedy such situation, and if the Council declines to do so the Government concerned may give notice of withdrawal from the Agreement.

(c) If, during the period of the present Agreement, by the action of any country (whether the Agreement applies to it or not) such adverse changes occur in the relation between supply and demand on the free market as may substantially diminish the market possibilities of the suppliers of that free market, any Contracting Government affected may state its case to the Council. If the Council does not agree that the complaint of that Government is well-founded, that Government shall have the right to submit the case to the judgment of three arbitrators, subjects of countries not parties to the Agreement, to be nominated by the Council at its first meeting after the entry into force of the Agreement. If either the Council or the arbitrators declare the case to be well-founded the Government concerned may give notice of withdrawal from the Agreement.

(d) The Council shall take a decision within sixty days on any matters submitted to it in accordance with the preceding paragraphs of this Article;

failure to do so within that time shall give the Government which has submitted the matter to the Council the right to give notice of withdrawal from the Agreement.

(e) In the event of any Government giving notice of withdrawal from the Agreement in accordance with the provisions of this Article, any of the other Contracting Governments shall have the right at any time during the ensuing three months also to give notice of withdrawal.

(f) All notices of withdrawal given under this Article shall be sent to the Government of the United Kingdom of Great Britain and Northern Ireland, by whom they will be communicated to all the other Contracting Governments and to the Council; and withdrawal shall take effect three months after the date of receipt of such notice by the Government of the United Kingdom.

(g) Any decision taken by the Council under this Article shall require three-fourths of the votes cast.

In faith whereof the undersigned, duly authorised thereto, have signed the present Agreement.

Done in London this sixth day of May, One thousand nine hundred and thirty-seven. In accordance with the procedure followed by the World Monetary and Economic Conference, in continuation of which the International Sugar Conference was called, the present Agreement has been prepared in the French and English languages. It will also be drawn up in German and Russian. The four texts shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies will be communicated to all the signatory Governments, the four texts being equally authentic.

Pending the signature of the other texts, the signatures appended to the English text shall take effect as from to-day.

For the Government of the Union of
South Africa:

C. T. TE WATER

F. J. DU TOIT

For the Government of the Common-
wealth of Australia:

R. G. CASEY

S. M. BRUCE

For the Government of Belgium:

LUC. BEAUDUIN

For the Government of Brazil:

DECIO COIMBRA

For the Government of the United King-
dom of Great Britain and Northern
Ireland:

J. RAMSAY MACDONALD

For the Government of China:

QUO TAI-CHI

For the Government of the Republic of
Cuba:

J. GOMEZ M.

AURELIO PORTUONDO

E. H. FARRÉS

ARTURO MAÑAS

For the Government of Czechoslovakia:
JAN MASARYK

For the Government of the Dominican
Republic:

R. P. PICHARDO

For the Government of France:

CH. SPINASSE

For the Government of Germany:

JOACHIM V. RIBBENTROP

DR. ALFONS MORITZ

LUDWIG SCHUSTER

For the Government of Haiti:
LÉON DEFLY

For the Government of Hungary:
CONSTANTIN DE MASIREVICH
DR. G. VINNAY

For the Government of India:
D. B. MEEK

For the Government of the Netherlands:
J. VAN GELDEREN

For the Government of Peru:
FELIPE PARDO
J. CHAMOT
ALFREDO FERREYROS

For the Government of Poland:

The Delegation of the Government of Poland, which is in charge of the foreign affairs of the Free City of Danzig in virtue of existing treaties, reserves the right, on behalf of the Government of Poland, to accede at a later date on behalf of the Free City of Danzig.

EDWARD RACZYNSKI

For the Government of Portugal:
LUIZ FERREIRA DE CASTRO

For the Government of the Union of Soviet Socialist Republics:

It is understood that, in view of the fact that the U.S.S.R. is a State governed on a planned principle, Chapter 5 of the Agreement dealing with stocks and all the other Articles in the various Chapters of this Agreement which in any manner refer to internal production do not apply to the U.S.S.R.

N. BOGOMOLOV

For the Government of the United States of America:

NORMAN H. DAVIS

I am instructed by my Government to state that, in the event that its existing legislation imposing quotas upon the importation and marketing of sugar lapses within the life of this Agreement, it will be its policy to maintain its tariff on full duty sugar at no higher rate than that now existing.¹³

(In respect of the Commonwealth of the Philippines):¹⁴

URBANO A. ZAFRA

For the Government of Yugoslavia:
V. MILANOVITCH

PROTOCOL CONCERNING TRANSITIONAL MEASURES

1. At the moment of signing the Agreement regarding the Regulation of the Production and Marketing of Sugar of to-day's date, the signatory Governments agree that the Government of the United Kingdom of Great Britain and Northern Ireland shall take between this date and the assumption of its duties by the Provisional Council referred to below any steps necessary as transitional measures, including the convening of the first session of the said Provisional Council, which shall be held in London as soon as possible, the preparation of the agenda for that session, and the making of all necessary arrangements.

2. The said Governments agree to appoint, as soon as possible, representatives who shall constitute a Provisional Council, which shall exercise all the functions of the International Sugar Council to be set up under that Agreement, and which shall be subject in all respects to the provisions of Chapter VI of the said Agreement, provided that no decisions of such a Provisional

¹³ For a U.S. reservation contained in the Senate's resolution of advice and consent and maintained in the President's ratification, see footnote 1, p. 388.

¹⁴ The commitments of the Philippines were confirmed by an act of the Philippine National Assembly approved by the President of the Commonwealth Mar. 17, 1938, and by the President of the United States Apr. 29, 1938.

Council shall be binding on the signatory Governments prior to the coming into force of the Agreement.

3. Within a period of forty days from the date of its signature of the Agreement, each signatory Government will communicate to the Government of the United Kingdom a statement as to its position in regard to ratification.

4. If any Government is unable for constitutional reasons to obtain the necessary parliamentary authority for ratification before the 1st September, 1937, the signatory Governments agree to accept provisionally as equivalent to ratification for the purposes of bringing the Agreement into force on that date a declaration by that Government that it will provisionally accept the obligations of the Agreement as from that date and will ratify it as soon as possible. Should the ratification of such Government not be deposited before the 1st January, 1938, the Contracting Governments shall have the right to decide whether or not the Agreement is to be maintained in force.

5. Each signatory Government undertakes to ensure that so far as its territories are concerned the situation as regards production, export and import of sugar shall not be modified in a manner contrary to the aims of the Agreement during the period between the date of its signature and the date of entry into force of the Agreement. Any infringement of this undertaking shall be equivalent to a violation of the Agreement.

6. The signatory Governments take note of the following declaration, which was made to the Conference by the delegate of the Government of Canada:

"I desire to make a brief statement regarding the position of the Government of Canada. After an examination of the Convention, necessarily hurried, the Government of Canada regret that they have not found it possible to authorise signature at the present time. They are, of course, sympathetic with the aim of the Conference of averting uneconomic production, but the position of Canada at this Conference as an importer and consumer of sugar is so different from that of almost all the other countries represented that they desire a further period of time to study the effect of the specific proposals of the Convention on that position; and in the light of that study to decide whether it would be possible to accede later. At the same time, the Government of Canada reiterate the assurance already given that they do not propose to stimulate the production of sugar in Canada during the term of this agreement by subsidy, increased protection, special remission of taxes, or by any other similar measures."

7. The present Protocol shall enter into force for each signatory Government on the date of signature.

In faith whereof the undersigned, duly authorized thereto, have signed the present Protocol.

Done in London this sixth day of May, Nineteen hundred and thirty-seven. In accordance with the procedure followed by the World Monetary and Economic Conference, in continuation of which the International Sugar Conference was called, the present Agreement has been prepared in the French and English languages. It will also be drawn up in German and Russian. The four texts shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies will be communicated to all the signatory Governments, the four texts being equally authentic.

Pending the signature of the other texts, the signatures appended to the English text shall take effect as from to-day.

For the Government of the Union of
South Africa:
C. T. TE WATER
F. J. DU TOIT

For the Government of the Common-
wealth of Australia:
R. G. CASEY
S. M. BRUCE

For the Government of Belgium:
LUC. BEAUDUIN

For the Government of Brazil:
DECIO COIMBRA

For the Government of the United King-
dom of Great Britain and Northern
Ireland:
J. RAMSAY MACDONALD

For the Government of China:
QUO TAI-CHI

For the Government of the Republic of
Cuba:
J. GOMEZ M.
AURELIO PORTUONDO
E. H. FARRÉS
ARTURO MAÑAS

For the Government of Czechoslovakia:
JAN MASARYK

For the Government of the Dominican
Republic:
R. P. PICHARDO

For the Government of France:
CH. SPINASSE

For the Government of Germany:
JOACHIM V. RIBBENTROP
DR. ALFONS MORITZ
LUDWIG SCHUSTER

For the Government of Haiti:
LÉON DEFLY

For the Government of Hungary:
CONSTANTIN DE MASIREVICH
DR. G. VINNAY

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For the Government of the Netherlands:
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For the Government of Peru:
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J. CHAMOT
ALFREDO FERREYROS

For the Government of Poland:
EDWARD RACZYNSKI

For the Government of Portugal:
LUIZ FERREIRA DE CASTRO

For the Government of the Union of
Soviet Socialist Republics:
N. BOGOMOLOV

For the Government of the United States
of America:
NORMAN H. DAVIS

(In respect of the Commonwealth of
the Philippines):
URBANO A. ZAFRA

For the Government of Yugoslavia:
V. MILANOVITCH

ABOLITION OF CAPITULATIONS IN EGYPT

*Convention, with annex and protocol, signed at Montreux, Switzerland,
May 8, 1937; related papers*

Senate advice and consent to ratification June 13, 1938

Ratified by the President of the United States July 5, 1938

*Ratification of the United States deposited at Cairo August 29, 1938
Entered into force October 15, 1937; for the United States August 29,
1938*

Proclaimed by the President of the United States September 19, 1938

*Transition period under convention terminated October 14, 1949, in
accordance with terms of article 3*

53 Stat. 1645; Treaty Series 939

CONVENTION REGARDING THE ABOLITION OF THE CAPITULATIONS IN EGYPT SIGNED AT MONTREUX, ON MAY 8TH, 1937

His Majesty the King of Egypt, of the one part, and

The President of the United States of America; His Majesty the King of the Belgians; His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of Denmark; the President of the Spanish Republic; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy, Emperor of Ethiopia; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Portuguese Republic; His Majesty the King of Sweden, of the other part;

Whereas the régime of Capitulations hitherto in force in Egypt is no longer in harmony with the new situation to which that country has attained through the progress of its institutions and whereas it should in consequence be brought to an end;

Considering that, following upon the abolition by common agreement of the said régime, there should be established between them relations based on respect for the independence and sovereignty of States and on ordinary international law;

Prompted by the sincere desire to facilitate the most extensive and friendly co-operation between them;

Have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America :

Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Cairo ;

His Majesty the King of the Belgians :

M. Pierre Forthomme, Grand Cross of the Order of the Crown, Grand Officer of the Order of Leopold, former Minister, Envoy Extraordinary and Minister Plenipotentiary ;

His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India :

For Great Britain and Northern Ireland :

Captain the Right Honourable David Euan Wallace, M.C., M.P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parliamentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade ;

Mr. David Victor Kelly, C.M.G., M.C., Counsellor in His Britannic Majesty's Embassy at Cairo ;

Mr. William Eric Beckett, C.M.G., Second Legal Adviser to the Foreign Office ;

For the Commonwealth of Australia :

Captain the Right Honourable David Euan Wallace, M.C., M.P. ;

For the Dominion of New Zealand :

Captain the Right Honourable David Euan Wallace, M.C., M.P. ;

For the Union of South Africa :

Dr. Stefanus François Naudé Gie, Minister of the Union of South Africa in Berlin ;

Mr. Harry Thomson Andrews, Permanent Delegate to the League of Nations ;

For the Irish Free State :

Mr. Francis T. Cremins, Permanent Delegate to the League of Nations ;

For India :

Captain the Right Honourable David Euan Wallace, M.C., M.P. ;

His Majesty the King of Denmark :

M. Niels Peter Arnstedt, Envoy Extraordinary and Minister Plenipotentiary at Cairo ;

M. Niels Vihelm Boeg, Member of the Court of Appeal at Copenhagen, former Judge of the mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal ;

His Majesty the King of Egypt:

Mustapha El-Nahas Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;

Dr. Ahmed Maher, President of the Chamber of Deputies;

Wacyf Boutros Ghali Pasha, Minister for Foreign Affairs;

Makram Ebeid Pasha, Minister of Finance;

Abdel Hamid Badaoui Pasha, President of the *Comité du Contentieux de l'Etat*;

The President of the Spanish Republic:

M. Antonio Fabra Ribas, Envoy Extraordinary and Minister Plenipotentiary at Berne;

M. Mariano Gomez, President of the Supreme Court of Justice; former Rector of the University of Valencia;

The President of the French Republic:

M. François de Tesson, Deputy, Under-Secretary of State in the Department of the President of the Council;

M. Max Hymans, Deputy, former President of the Commission for Customs and Commercial Conventions;

His Majesty the King of the Hellenes:

M. Nicolas Politis, Envoy Extraordinary and Minister Plenipotentiary of Greece in Paris, former Minister for Foreign Affairs;

M. Georges Roussos, Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs;

M. Constantin Vryakos, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;

M. Constantin Sakellaropoulos, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry of Foreign Affairs;

His Majesty the King of Italy, Emperor of Ethiopia:

Count Luigi Aldrovandi Marescotti di Viano, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia;

M. Salvatore Messina, President of Section in the Court of Cassation;

M. Piero Parini, Minister Plenipotentiary, Director-General of Italians abroad;

M. Pellegrino Ghigi, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

His Majesty the King of Norway:

M. Michaël Hansson, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

Her Majesty the Queen of the Netherlands:

M. W. C. Beucker Andreae, Head of the Directorate of Legal Affairs in the Ministry of Foreign Affairs;

M. le Chevalier J. J. B. Bosch de Rosenthal, Chargé d'Affaires of the Netherlands at Cairo;

Count W. F. L. de Bylandt, Counsellor in the Netherlands Legation in Paris;

The President of the Portuguese Republic:

Dr. J. Caeiro Da Matta, former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

His Majesty the King of Sweden:

M. K. K. F. Malmar, Director of the Legal Division of the Ministry of Foreign Affairs;

Who, having deposited their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

The High Contracting Parties declare that they agree, each in so far as he is concerned, to the complete abolition in all respects of Capitulations in Egypt.

ARTICLE 2¹

Subject to the application of the principles of international law, foreigners shall be subject to Egyptian legislation in criminal, civil, commercial, administrative, fiscal and other matters.

It is understood that the legislation to which foreigners will be subject will not be inconsistent with the principles generally adopted in modern legislation and will not, with particular relation to legislation of a fiscal nature, entail any discrimination against foreigners or against companies incorporated in accordance with Egyptian law wherein foreigners are substantially interested.

The immediately preceding paragraph, in so far as it does not constitute a recognised rule of international law, shall apply only during the transition period.

ARTICLE 3

The Mixed Court of Appeal and the Mixed Tribunals now existing shall be maintained until October 14th, 1949.

As from October 15th, 1937, they shall be governed by an Egyptian law establishing the *Règlement d'organisation judiciaire* the text of which is annexed to the present Convention.

On the date mentioned in paragraph 1 above, all cases pending before the Mixed Tribunals shall be remitted, at the stage which they have then reached

¹ For a multilateral understanding relating to art. 2, para. 2, see p. 431; for an Egyptian declaration, see p. 438.

and without involving the parties in the payment of any fees, to the National Tribunals to be continued therein until they are finally disposed of.

The period from October 15th, 1937 to October 14th, 1949 shall be known as "the transition period".

ARTICLE 4

The judges, officials and staff of the Mixed Tribunals and of the Mixed Parquet, who are employed there on October 14th, 1937 shall be retained in office.

ARTICLE 5

The rules to be applied by the Egyptian National Courts in regard to third party actions shall be the same as those prescribed for the Mixed Tribunals in Article 37 of the *Règlement d'organisation judiciaire mixte*.

ARTICLE 6²

The National Courts shall also have jurisdiction in respect of the prosecution of persons of any nationality, accused as principals or accomplices of any of the crimes and misdemeanours referred to in Article 45 of the *Règlement d'organisation judiciaire mixte* involving judges and judicial officials of those courts or their judgments or orders or of bankruptcy offences where the bankruptcy proceedings have taken place before the said courts.

ARTICLE 7

A change in the nationality of one of the parties in the course of proceedings before the National Courts shall not affect the competence of the Court before which the proceedings have been brought.

ARTICLE 8

Subject to the provisions of Article 9, no civil or commercial action, no action in matters of personal status and no criminal cause shall be instituted before any Consular Court in Egypt after October 15th, 1937.

Proceedings already brought prior to the above date in any such courts shall be continued before them until finally disposed of, unless they are remitted to the Mixed Tribunals under the conditions specified in Article 53 of the *Règlement d'organisation judiciaire*.

ARTICLE 9

Any of the High Contracting Parties who possess at present Consular Courts in Egypt, may retain such courts for the purposes of jurisdiction in

² For an understanding relating to art. 6, para. 1, see p. 431

matters of personal status in all cases in which the law applicable is the national law of the High Contracting Party concerned.

Any such High Contracting Party who desires to exercise the above right shall notify the Royal Egyptian Government to this effect at the time of the deposit of his instrument of ratification of the present Convention.³

At any time during the transition period any High Contracting Party may make a declaration renouncing his consular jurisdiction.⁴ Such declaration shall take effect as from October 15th following the date on which it is made. No new proceeding shall be entertained after the date on which a renunciation of jurisdiction takes effect, but any proceeding already instituted may be continued until finally disposed of.

No Consular Court shall be maintained after October 14th, 1949. On that date all proceedings pending before the said Consular Courts shall be remitted to the National Tribunals at the stage they have then reached.

ARTICLE 10

In matters of personal status, the jurisdiction which is competent shall be determined by the law to be applied.

The expression "personal status" refers to the matters specified in Article 28 of the *Règlement d'organisation judiciaire mixte*.

The law to be applied shall be ascertained in conformity with the rules set out in Articles 29 and 30 of the said *Règlement*.

ARTICLE 11

Without prejudice to the exceptions recognised by international law, foreign consuls shall be subject to the jurisdiction of the Mixed Tribunals. In particular, they may not be prosecuted in respect of acts performed by them in the performance of their official duties.

Subject to reciprocity, they shall exercise the powers customarily granted to consuls as regards registration in matters of personal status, as regards contracts of marriage and other notarial acts, inheritance, the representation before the Courts of the interests of their absent nationals and maritime navigation, and shall enjoy personal immunity.

Until Consular Conventions are concluded, and in any case during a period of three years as from the date of the signature of the present Convention, consuls shall continue to enjoy the immunities which they possess at present in respect of consular premises and in the matter of taxes, customs duties and other public dues.

³ For text of procès-verbal of deposit of U.S. ratification, see p. 452; for U.S. notification to Egypt, see p. 452.

⁴ For text of a proclamation by President Franklin D. Roosevelt Oct. 9, 1937, see p. 453.

ARTICLE 12

The High Contracting Parties undertake to maintain in Egypt, during the transition period, all the judicial records of their Consular Courts.

These records shall be open for inspection by the Courts in Egypt whenever such inspection is required in connection with a case coming within their jurisdiction; certified copies of such records shall be furnished upon the request of any such court.

ARTICLE 13

Any dispute between the High Contracting Parties relating to the interpretation or application of the provisions of the present Convention, which they are unable to settle by diplomatic means, shall, on the application of one of the Parties to the dispute, be submitted to the Permanent Court of International Justice.

If, however, there is at present in force between any of the High Contracting Parties and His Majesty the King of Egypt a treaty of arbitration providing for another tribunal, this tribunal shall, for the duration of this Convention, be substituted for the Permanent Court of International Justice for the purposes of this Article, even though such treaty of arbitration may have ceased to exist for other purposes.

ARTICLE 14

The present Convention, with the exception of the annex referred to in Article 3, has been drawn up in a single copy in the English and French languages. Both texts shall be equally authentic for the purposes of its interpretation.

In the case of the annex aforesaid the French text alone shall be authentic.

ARTICLE 15

The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible at Cairo. The Royal Egyptian Government shall undertake the registration of the Convention with the Secretariat of the League of Nations.

The Royal Egyptian Government shall inform the Governments of the High Contracting Parties and the Secretary-General of the League of Nations of the deposit of each ratification.

The present Convention shall come into force on October 15th, 1937 if three instruments of ratification have been deposited. It shall not however come into force in respect of the other signatories before the date of the deposit of their respective instruments of ratification.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Montreux, on the eighth day of May, one thousand nine hundred and thirty-seven, in a single copy, bearing the seals of the Plenipotentiaries, which shall be deposited in the archives of the Royal Egyptian Government and of which certified true copies shall be delivered to the Governments of the signatory Powers.

[For the United States:] BERT FISH	[SEAL]	MAKRAM EBEID A. BADAoui	[SEAL] [SEAL]
[For Belgium:] P. FORTHOMME	[SEAL]	[For Spain:] A. FABRA RIBAS MARIANO GOMEZ	[SEAL] [SEAL]
[For the United Kingdom:] DAVID EUAN WALLACE DAVID VICTOR KELLY WILLIAM ERIC BECKETT	[SEAL] [SEAL] [SEAL]	[For the French Republic] F. DE TESSAN HYMANS	[SEAL] [SEAL]
[For Australia:] DAVID EUAN WALLACE	[SEAL]	[For Greece:] N. POLITIS G. ROUSSOS C. VRYAKOS C. M. SAKELLAROPOULOS	[SEAL] [SEAL] [SEAL] [SEAL]
[For New Zealand:] DAVID EUAN WALLACE	[SEAL]	[For Italy:] L. ALDROVANDI SALVATORE MESSINA PIERO PARINI GHIGI	[SEAL] [SEAL] [SEAL] [SEAL]
[For the Union of South Africa:] S. F. N. GIE H. T. ANDREWS	[SEAL] [SEAL]	[For Norway:] MICHAËL HANSSON	[SEAL]
[For the Irish Free State:] F. T. CREMINS	[SEAL]	[For the Netherlands:] W. C. BEUCKER ANDREAË J. BOSCH DE ROSENTHAL W. DE BYLANDT	[SEAL] [SEAL] [SEAL]
[For India:] DAVID EUAN WALLACE	[SEAL]	[For Portugal:] J. CAEIRO DA MATTA	[SEAL]
[For Denmark:] N. P. ARNSTEDT N. V. BOEG	[SEAL] [SEAL]	[For Sweden:] MALMAR	[SEAL]
[For Egypt:] MOUSTAPHA EL-NAHAS A. MAHER WACYF BOUTROS GHALI	[SEAL] [SEAL] [SEAL]		

ANNEX

[TRANSLATION]

*Regulations of the Judicial Organisation*⁵

I. ORGANISATION AND COMPOSITION

ARTICLE 1

The Mixed Court of Appeal at Alexandria and the three Mixed Tribunals of first instance at Cairo, Alexandria, and Mansurah shall be maintained with their existing territorial areas of jurisdiction.

These areas of jurisdiction may be altered by decree after consultation with the Court.

⁵ For an Egyptian declaration regarding the regulations, see p. 437.

ARTICLE 2

The Court of Appeal shall be composed of 18 judges, 11 of whom shall be foreigners. Should occasion arise, two judges, of whom one must be a foreigner, may be appointed in addition to that number. Vacancies occurring among the foreign judges of the Court of Appeal shall be filled by the promotion of foreign judges of the Tribunals of first instance.

ARTICLE 3

The Tribunals at Cairo, Alexandria and Mansurah shall, on October 15th, 1937, be composed of 61 judges, of whom 40 shall be foreigners.

As vacancies occur among the foreign judges of first instance as a result of retirement, death, resignation or promotion, such judges shall be replaced by Egyptian judges.

Nevertheless, the number of foreign judges in the Tribunals of first instance shall not be less than one-third of the total number of judges of the said Tribunals.

ARTICLE 4

No distinction based on the nationality of judges shall be made either in the matter of the composition of the Chambers or in that of appointments to the various posts in the judicial organisation, including the presidency of Tribunals and Chambers.

The President of the Court of Appeal shall be of foreign nationality, and the Vice-President of Egyptian nationality.

Should the President of a Tribunal be of Egyptian nationality, the Vice-President shall be of foreign nationality, and *vice versa*.

ARTICLE 5

The judgments of the Court of Appeal shall be given by five judges. Nevertheless, the law may prescribe that three judges shall compose Chambers to decide matters which are in first instance within the competence of a judge sitting alone.

The Assize Court shall consist of five judges, of whom three shall be Judges of the Court of Appeal.

The judgments of Tribunals of first instance, both in civil and criminal matters, shall be given by three judges.

In commercial matters, the three judges may, in virtue of a law, be assisted by two assessors in a consultative capacity.

In interlocutory matters, in civil cases of a summary nature, and for petty offences, judgments shall be given by a judge sitting alone.

ARTICLE 6

Judges shall be appointed by decree.

They shall be irremovable.

The age at which magistrates may be required to retire shall be 65 years for judges of first instance and 70 years for judges of the Court of Appeal.

Judges shall not be transferred from one Tribunal to another, nor shall they be promoted except in conformity with the recommendation of the General Assembly of the Court of Appeal.

ARTICLE 7

The Presidents and Vice-Presidents of the Court of Appeal and of the Tribunals shall be appointed for one year, by decree, on the nomination of the General Assembly of the Court by an absolute majority of votes. In the case of Tribunals of first instance, nominations shall be made from an alphabetical list drawn up by the General Assembly of each Tribunal and comprising three candidates at Alexandria and at Cairo and two candidates at Mansurah.

The Presidents of the Chambers of the Court of Appeal shall be nominated annually by the General Assembly of the Court.

The Presidents of the Chambers of each Tribunal shall be nominated annually by the General Assembly of the Court on the recommendation of the General Assembly of the Tribunal.

ARTICLE 8

The salaries of judges are fixed by law.

ARTICLE 9

Judges are debarred from engaging in business and from occupying any salaried position.

ARTICLE 10

Discipline over judges shall be exercised exclusively by the Court of Appeal. The General Judicial Regulations shall determine the disciplinary measures and the procedure to be followed in this matter.

ARTICLE 11

Proceedings shall be public, except in cases where the court by reasoned decision orders the hearing to be held *in camera* in the interests of morality or public order.

The accused shall be free to defend himself against the charge.

ARTICLE 12

The judicial languages employed in the Mixed Tribunals for the conduct of cases and for the drafting of official documents and judgments shall be: Arabic, English, French and Italian.

The operative part of judgments shall be pronounced in two of the judicial languages, of which one must be Arabic. After the pronouncement, judgments drawn up in a foreign language shall be translated in their entirety into Arabic and those drawn up in Arabic shall be translated in their entirety into a foreign language.

In the event of divergence between the original text and the translation, the former shall be authentic.

ARTICLE 13

Subject to the exceptions provided for by the Codes, laws or regulations, parties shall be represented at law only by persons authorised to practise as barristers in the Mixed Tribunals. The General Judicial Regulations determine the organisation of the Bar and the conditions for the exercise of discipline over barristers.

ARTICLE 14

The auxiliary staff of the Court of Appeal and of the Tribunals shall include: clerks of the courts, assistant clerks, interpreters, bailiffs and other agents.

The General Judicial Regulations determine the conditions for the exercise of discipline over the above-mentioned staff.

ARTICLE 15

Judgments shall be executed on the order of the court by its bailiffs, with the assistance of the administrative authorities when such assistance is requested.

II. THE PARQUET

ARTICLE 16

The Parquet of the Mixed Tribunals shall exercise the powers specified hereinafter together with those conferred upon it by law.

It shall be directed by a Procurator General of foreign nationality.

ARTICLE 17

The Procurator General shall be assisted by a First Advocate General of Egyptian nationality and by a Second Advocate General of foreign nationality.

Should the Procurator General be absent or otherwise prevented from discharging his duties, he shall be replaced in civil matters and for the purposes of administration by the First Advocate General and in criminal matters by the Second Advocate General.

The Procurator General shall, in addition, have under his direction an adequate number of deputies.

ARTICLE 18

The members of the Parquet shall be appointed by decree. They shall be removable and responsible only to their administrative chiefs and, ultimately, to the Minister of Justice.

ARTICLE 19

The "Ministère public," in the person of the Procurator General, one of the Advocates General or a deputy, may sit in all the Chambers and in all the General Assemblies of the Court and of the Tribunals.

ARTICLE 20

In criminal matters, the Parquet shall conduct public prosecutions. It shall control the judicial police in all cases falling within the jurisdiction of the Mixed Tribunals.

Officials recognised by law as being members of the judicial police shall, as such, be under the orders of the Parquet.

ARTICLE 21

The Procurator General shall be called upon to give his opinion on the application to any foreigner of the provisions of the Criminal Code and of the "Code d'Instruction criminelle" concerning total or partial remission or commutation of any penalty and the execution of death sentences.

ARTICLE 22

The Procurator General shall supervise prisons and penitentiaries in which foreigners are detained. He shall, in addition, have free access at all times to any other place wherein a foreigner may be detained.

He shall notify the Minister of Justice of all irregularities of which he becomes aware, and shall make to him any other communications called for in the exercise of the supervision for which he is responsible.

ARTICLE 23

The "Ministère public" shall intervene in all matters involving questions of personal status or nationality. It may furthermore intervene in matters concerning minors or persons under an incapacity, and also in all other cases specified in the Code of Civil Procedure.

It shall further be empowered to order and to have carried out any measures which it may consider proper to safeguard the interests of minors or of persons under an incapacity.

ARTICLE 24

The Parquet shall supervise the administration of judicial funds and the special deposit and consignment fund.

It shall also supervise the clerks of the court and the bailiffs, who shall be under the exclusive control of the Presidents of the Court and Tribunals.

III. COMPETENCE

ARTICLE 25 ⁶

For the purposes of determining the competence of the Mixed Tribunals, the word "foreigners" shall be taken to mean nationals of the High Contracting Parties to the Montreux Convention concerning the Abolition of Capitulations in Egypt, together with nationals of any other State that may be specified by decree.

No Egyptian national may avail himself of the protection of a foreign Power.

Nationals of Syria and of the Lebanon and also those of Palestine and Trans-Jordan shall come within the competence of the National jurisdiction as regards both civil and criminal matters.

Foreign nationals (citizens, subjects and protected persons) belonging to religions, confessions or sects for which there exist Egyptian Tribunals dealing with matters of personal status, shall continue to have their cases heard by the said Tribunals in such matters under the same conditions as in the past.

The nationals specified above shall, moreover, have the right to opt between the Mixed jurisdiction and the National jurisdiction in civil and commercial matters. When one of the said nationals is summoned in respect of either of the said matters before a National Tribunal, in a case in connection with which he has not previously accepted the competence of the National jurisdiction, he shall, if he wishes to challenge the competence of the Tribunal before which the case is brought, do so by registered letter or by service of a writ, or at the latest at the first hearing, failing which the Tribunal shall be competent.

(A) Competence in Civil and Commercial Matters

ARTICLE 26 ⁷

The Mixed Tribunals shall take cognizance of all civil and commercial suits between foreigners or between foreigners and parties subject to the jurisdiction of the National Courts.

Nevertheless, the National Tribunals shall be competent in the aforesaid matters in respect of any foreigner who agrees to submit himself to their jurisdiction.

Such submission may result from a clause attributing competence or from the fact (1) that the foreigner has himself initiated the proceedings before

⁶ For an Egyptian declaration relating to art. 25, para. 1, see p. 437.

⁷ For an Egyptian declaration relating to art. 26, see p. 439.

the National Courts; or (2) that he has not challenged the competence of the said courts before the pronouncement of a judicial decision in proceedings wherein he has appeared as defendant or as an intervening party.

Submission to the jurisdiction of a court of first instance entails submission to the jurisdiction of superior courts of the same category.

ARTICLE 27

The Mixed Tribunals shall also take cognizance of suits and matters relating to personal status in cases wherein the law to be applied according to the terms of Article 29 is a foreign law.

ARTICLE 28

Personal status comprises: suits and matters relating to the status and capacity of persons, legal relations between members of a family, more particularly betrothal, marriage, the reciprocal rights and duties of husband and wife, dowry and their rights of property during marriage, divorce, repudiation, separation, legitimacy, recognition and repudiation of paternity, the relation between ascendants and descendants, the duty of support as between relatives by blood or marriage, legitimation, adoption, guardianship, curatorship, interdiction, emancipation, and also gifts, inheritance, wills and other dispositions *mortis causa*, absence and the presumption of death.

ARTICLE 29

The status and capacity of persons shall be governed by their national laws.

The fundamental conditions of the validity of marriage shall be governed by the national law of each of the parties thereto.

In matters concerning relations between the husband and wife, including separation, divorce and repudiation and the effects thereof upon their property, the law to be applied shall be the national law of the husband at the time of the celebration of the marriage.

Reciprocal rights and duties as between parents and children shall be governed by the national law of the father.

The duty of maintenance shall be governed by the national law of the party against whom the claim is made.

Matters relating to filiation, legitimation, and the recognition and repudiation of paternity shall be governed by the national law of the father.

Questions relating to the validity of adoption shall be governed by the national law of the adopting party as well as by that of the adopted person. The effects of adoption shall be governed by the national law of the adopting party.

Guardianship, curatorship and emancipation shall be governed by the national law of the person under the incapacity.

Inheritance and wills shall be governed by the national law of the deceased or of the testator.

Gifts shall be governed by the national law of the donor at the time of the gift.

The rules of the present article shall not affect provisions relating to the legal position of immovable property in Egypt.

ARTICLE 30

Should the nationality of a person be unknown, or should he simultaneously possess, under the laws of several foreign States, the nationality of each of them, the judge shall decide what law shall be applied.

Should a person simultaneously possess the nationality of Egypt under Egyptian law and of one or more foreign States under the law of the State or States concerned, the law to be applied shall be the Egyptian law.

ARTICLE 31

The term "national law" shall be understood to mean the municipal law of the country in question to the exclusion of the provisions of private international law.

ARTICLE 32

Rules of procedure prescribed by a foreign law shall not apply in so far as they are incompatible with Egyptian rules of procedure.

ARTICLE 33

Subject to the provisions of Articles 34, 35, 36 and 37, the competence of the Mixed Tribunals shall be determined solely by the nationality of the parties directly concerned, without regard to any mixed interests which may be indirectly concerned.

ARTICLE 34

Companies of Egyptian nationality already incorporated, in which there are substantial foreign interests shall, in their suits with persons subject to the jurisdiction of the National Tribunals, be subject to the jurisdiction of the Mixed Tribunals unless the terms of their incorporation contain a clause attributing competence to the National Tribunals, or unless they have accepted the jurisdiction of the said courts in accordance with Article 26.

ARTICLE 35

The Mixed Tribunals shall similarly be competent in matters arising out of the bankruptcy of a person subject to the jurisdiction of the National Tribunals if one of the creditors party to the proceedings is a foreigner.

ARTICLE 36

The creation of a charge in favor of a foreigner over immovable property, whoever may be the person in possession or the owner thereof, renders the

Mixed Tribunals *ipso facto* competent to determine the validity of the charge and all its consequences up to and including the forced sale of the said property and also the distribution of the monies realised thereby.

ARTICLE 37

The Mixed Tribunals shall not take cognizance of an action not in itself falling within their competence, even if it arises as subsidiary to an action already constituted before them. Nevertheless, they shall take cognizance of the said subsidiary action when the jurisdiction before which it has been brought, decides in the interests of justice, to remit it to be pleaded before them.

The Mixed Tribunals may, if they consider that the interests of justice so require, remit to be pleaded before the National Courts an action instituted before them, which is subsidiary to a principal action already instituted before the said National Courts.

ARTICLE 38

Suits by foreigners against a Wakf involving a claim to the ownership of immovable property of the said Wakf shall not be submitted to the Mixed Tribunals. Nevertheless, the said Tribunals shall be competent to give judgment on claims brought in respect of legal possession, whoever may be plaintiff or defendant.

Furthermore, suits directly or indirectly concerning the constitution of a Wakf or the validity, interpretation or application of its clauses, or the appointment or removal of the Nazir shall not come within the competence of the Mixed Tribunals.

The Mixed Tribunals may, nevertheless, declare void as against creditors the constitution of property as a Wakf in fraud of the rights of such creditors.

ARTICLE 39

When, in the course of proceedings, an issue is raised concerning the personal status of a party coming in that respect within the jurisdiction of some other court, the Mixed Tribunals shall, if they consider it necessary to secure a preliminary decision upon that issue, suspend judgment on the main issue and prescribe a time limit within which the party against whom the interlocutory plea has been raised must have the matter finally decided by the competent court. If such a preliminary decision is not considered necessary, they shall proceed to give a decision on the main issue.

ARTICLE 40

The cession of a right to a foreigner, the citing of a foreigner as third party, or a fictitious assignment to a foreigner shall not render the Mixed Tribunals competent to decide suits coming within the competence of the National Courts if the object of the said cession, citation as third party or

fictitious assignment is to remove such litigation from the cognizance of the National Tribunals.

Any cession of a right to a foreigner agreed to during the course of the proceedings shall be presumed to have been made with the above object. The Court may, however, in exceptional cases, admit proof to the contrary.

Subject to the provisions of the preceding paragraph, the competence of the Mixed Tribunals cannot be challenged on the ground that the assignment is fictitious where the assignment is made by means of the endorsement of a negotiable instrument.

The irregular endorsement of a negotiable instrument to a foreigner, or its endorsement to a foreigner for purposes of collection, shall not give competence to the Mixed Tribunals in the case of suits that are within the competence of the National Courts.

ARTICLE 41

Should the litigant whose foreign character gave competence to the Mixed Tribunals cease before the close of the hearing to be a party to the proceedings, the said Tribunals shall, on objection being raised by one of the parties, cease to have competence in the matter, which shall be transferred as it stands to the National Courts.

ARTICLE 42

A change in the nationality of one of the parties during the course of the proceedings shall have no effect on the competence of the court before which a case has been properly brought.

ARTICLE 43

The Mixed Tribunals may not directly or indirectly pass judgment on acts of sovereignty. They may not give decisions on the validity of the application of Egyptian laws or regulations to foreigners.

Furthermore, they may not give decisions on the ownership of public property.

Nevertheless, though they may not interpret an administrative act or arrest the execution thereof, they shall be competent to hear (1) all civil and commercial actions between foreigners and the State concerning movable or immovable property; (2) civil actions brought by foreigners against the State in respect of administrative measures taken in violation of laws or regulations.

(B) *Criminal Competence*

ARTICLE 44

The Mixed Tribunals shall hear all prosecutions of foreigners in respect of acts punishable by law.

ARTICLE 45

The Mixed Tribunals shall further hear all prosecutions against principal offenders or their accomplices, of whatever nationality, in respect of the following crimes and misdemeanors:

(1) crimes and misdemeanors committed directly against judges and judicial officers of the Mixed Tribunals in the performance, or in connection with the performance, of their duties;

(2) crimes and misdemeanors committed directly to hinder the execution of judgments and warrants of the Mixed Tribunals;

(3) crimes and misdemeanors alleged against judges and judicial officers if they are accused of having committed them in the performance of their duties or in abuse of their powers;

(4) bankruptcy offences, whether crimes or misdemeanors with or without fraud, where the bankruptcy proceedings are before the Mixed Tribunals.

The term judicial officers in paragraphs (1) and (3) above shall comprise: clerks of the Court, sworn assistant clerks, interpreters attached to the Tribunal, and the official bailiffs, but not persons incidentally entrusted, by delegation from the Tribunal, with the service or execution of writs or warrants.

ARTICLE 46

In criminal matters the police courts shall deal with offences defined as contraventions by law and misdemeanors carrying a penalty of not more than three months' imprisonment.

The correctional courts shall deal with offences defined as misdemeanors by law other than those referred to in the preceding paragraph, and shall hear appeals against decisions given by the police courts.

The assize courts shall deal with offences defined as crimes by law.

ARTICLE 47

Arrests and domiciliary searches of foreigners, except in cases of "*flagrant délit*" or a call for help from within the dwelling-house shall be carried out by, or in the presence of, a member of the Mixed Parquet or an officer of the judicial police to whom such functions have been delegated by the Mixed Parquet.

ARTICLE 48

In criminal matters, if the Parquet considers there are grounds for prosecution, it must refer the case to the investigating magistrate.

In correctional matters also, the Parquet shall refer the case to the investigating magistrate unless it decides that the information received on summary enquiry is sufficient for the case to be brought to trial. In such a case, if the accused has been heard, or if his absence or the impossibility of finding

his residence has been duly established, the Parquet may summon him directly before the Tribunal.

Nevertheless, at the request of the accused or of the Parquet, or without being moved thereto, the tribunal may declare the summons to be annulled and order the case to be referred to the investigating magistrate.

ARTICLE 49

The detention of any foreigner shall at once be notified to the Parquet. The Parquet is bound within the time specified in the Code d'Instruction criminelle and, at longest, within four days either to order the release of the person detained or to send him before the investigating magistrate.

Any foreigner who is detained pending trial shall have the right to inform his Consul and his lawyer of his detention through the intermediary of the Parquet.

The Consul and the lawyer of the detained person may visit him in prison under conditions approved by the Parquet.

ARTICLE 50

Except in cases of urgency, if the accused has no defending counsel one shall be appointed for him, if he so requests, at the time of his interrogation, failing which the proceedings shall be void.

A defending counsel shall further be officially appointed within a reasonable time before the hearing of the case to every accused person committed for trial before the Assize Court.

IV. GENERAL AND TRANSITORY PROVISIONS

ARTICLE 51

The Mixed Tribunals shall administer justice in Our Name.

ARTICLE 52

Where the law is silent, insufficient or obscure, the judge shall act in conformity with the principles of natural law and with the rules of equity.

ARTICLE 53

Actions begun prior to October 15th, 1937, before a Consular jurisdiction shall be continued before that jurisdiction until a final judgment has been given.

The same shall apply to actions which have been begun prior to that date before the Mixed Tribunals and which, by virtue of the present law, would come within the competence of the National Tribunals.

In civil matters, actions referred to in the two paragraphs above may, on the request of the parties thereto and with the consent of all persons having

an interest therein, be referred at the stage which they have reached to the courts which are competent according to the provisions of the preceding Articles in order that they may be continued and decided therein.

In criminal matters also, Consular jurisdictions may refer cases begun prior to October 15th, 1937, to the Mixed Tribunals.

ARTICLE 54

Judgments and orders of the Consular Courts shall continue to have the force of *res judicata* and shall, when necessary, be executed through the agency of the Mixed Tribunals.

ARTICLE 55

Prescriptions and foreclosures which were applicable in cases when within the competence of the Consular Courts shall continue to apply when they come before the Mixed Tribunals.

ARTICLE 56

Notwithstanding the provisions of Article 27, the Mixed Tribunals shall not have competence in matters of personal status where the law applicable in accordance with the provisions of Article 29 is that of a High Contracting Party to the Convention regarding the abolition of the Capitulations in Egypt, which, in accordance with Article 9 of that Convention, has reserved jurisdiction in personal status for its Consular Courts and that reservation has not been withdrawn.

ARTICLE 57

The provisions of the existing General Judicial Regulations shall remain in force in so far as they are not abrogated or modified by the preceding provisions.

No modification of the said Regulations proposed by the General Assembly of the Court shall take effect until promulgated by decree on the proposal of the Minister of Justice.

ARTICLE 58

The present *Règlement d'organisation judiciaire pour les procès mixtes en Égypte* and any provisions contrary to the present law are hereby abrogated.

PROTOCOL

On signing the Convention regarding the abolition of the Capitulations in Egypt bearing this day's date,

The undersigned plenipotentiaries,

Being desirous of determining exactly some of the provisions of the Convention and of its Annex,

Have agreed as follows:

I

It is understood that the provisions of Article 2, paragraph 2, of the Convention relating to the non-discrimination rule and applicable during the transition period must be interpreted in the light of international practice relating to undertakings of that nature between countries enjoying legislative sovereignty.

II

With reference to Article 6, paragraph 1, of the *Règlement d'organisation judiciaire*, it is understood that the selection of foreign judges is a matter for the Royal Egyptian Government, but that, in order to satisfy itself regarding the suitability of the persons whom it may select, the Royal Egyptian Government will approach unofficially the Ministers of Justice of the foreign countries concerned and will appoint only persons of whom their respective Governments approve.

Done at Montreux, in a single copy in French and English, both texts being equally authentic, on the eighth day of May one thousand nine hundred and thirty-seven.

[For the United States:]

BERT FISH

[For Belgium:]

P. FORTHOMME

[For the United Kingdom:]

DAVID EUAN WALLACE

DAVID VICTOR KELLY

WILLIAM ERIC BECKETT

[For Australia:]

DAVID EUAN WALLACE

[For New Zealand:]

DAVID EUAN WALLACE

[For the Union of South Africa:]

S. F. N. GIE

H. T. ANDREWS

[For the Irish Free State:]

F. T. CREMINS

[For India:]

DAVID EUAN WALLACE

[For Denmark:]

N. P. ARNSTEDT

N. V. BOEG

[For Egypt:]

MOUSTAPHA EL-NAHAS

A. MAHER

WACYF BOUTROS GHALI

MAKRAM EBEID

A. BADAOU

[For Spain:]

A. FABRA RIBAS

MARIANO GOMEZ

[For the French Republic:]

F. DE TESSAN

HYMANS

[For Greece:]

N. POLITIS

G. ROUSSOS

C. VRYAKOS

C. M. SAKELLAROPOULO

[For Italy:]

L. ALDROVANDI

SALVATORE MESSINA

PIERO PARINI

GHIGI

[For Norway:]

MICHAËL HANSSON

[For the Netherlands:]

W. C. BEUCKER ANDREAË

J. BOSCH DE ROSENTHAL

W. DE BYLANDT

[For Portugal:]

J. CAEIRO DA MATTA

[For Sweden:]

MALMAR

RELATED PAPERS

FINAL ACT

The Capitulations Conference met at the invitation of the Government of His Majesty the King of Egypt, at Montreux, on April 12th, 1937.

The Governments enumerated below were represented at the Conference by the following delegations:

UNION OF SOUTH AFRICA

Delegates:

Dr. Stefanus François Naudé GIE, Envoy Extraordinary and Minister Plenipotentiary in Berlin;

Mr. Harry Thomson ANDREWS, Permanent Delegate to the League of Nations.

Secretary:

Mr. R. JONES, Vice Consul at Hamburg;

UNITED STATES OF AMERICA

Delegate:

Mr. Bert FISH, Envoy Extraordinary and Minister Plenipotentiary, at Cairo;

Experts:

Mr. Paul H. ALLING, Assistant-Chief, Division of Near Eastern Affairs, Department of State;

Mr. Francis Colt DE WOLF, Treaty Division, Department of State;

AUSTRALIA

Delegate:

Captain the Right Honourable David Euan WALLACE, M.C., M.P.;

BELGIUM

Delegates:

M. P. FORTHOMME, former Minister of the Crown, Envoy Extraordinary and Minister Plenipotentiary, *President of the Delegation*;

M. J. WATHELET, Honorary Royal Counsellor of the Egyptian Government;

M. G. DELCOIGNE, Secretary of Legation;

M. A. HERMENT, Assistant-Director in the Ministry of Foreign Affairs;

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Delegates:

Captain the Right Honourable David Euan WALLACE, M.C., M.P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parlia-

mentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade;

Private Secretary: Mr. Patrick MUNRO, M.P. (Private Parliamentary Secretary to Captain Wallace);

Mr. David Victor KELLY, C.M.G., M.C., Counsellor in His Britannic Majesty's Embassy at Cairo;

Mr. William Eric BECKETT, C.M.G., Second Legal Adviser to the Foreign Office;

Secretary-General:

Mr. J. S. SÔMERS COCKS;

DENMARK

Delegates:

M. Niels Peter ARNSTEDT, Envoy Extraordinary and Minister Plenipotentiary, at Cairo, *President of the Delegation*;

M. Niels Vilhelm BOEG, Member of the Court of Appeal at Copenhagen, former Judge of the Mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal;

EGYPT

Delegates:

MUSTAPHA EL-NAHAS Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;

Dr. AHMED MAHER, President of the Chamber of Deputies;

WACYF BOUTROS GHALI Pasha, Minister for Foreign Affairs;

MAKRAM EBEID Pasha, Minister of Finance;

ABDEL HAMID BADAoui Pasha, President of the *Comité du Contentieux de l'Etat*;

Technical advisers:

Mr. E. F. W. BESLY, Legal Secretary to the Judicial Adviser;

M. Maurice JACQUET, Royal Counsellor;

Secretary-General:

Georges DUMANI Bey, Controller-General of the European Political Bureau;

Deputy Secretary-General:

Mohamed SALAH EDDINE Bey, Deputy Secretary-General of the Council of Ministers;

Technical Secretaries:

A. ASSABGHY Bey, Head of the Parquet of the Mixed Tribunal at Cairo;

M. J. FELDMAN, *Substitut au Contentieux de l'Etat*;

M. H. BAHGAT BADAoui, *Substitut au Contentieux de l'Etat*;

M. L. DICHY, Secretary of the Economic Council.

Secretaries:

M. Fouad EL PHARAONY, Attaché in the Royal Egyptian Legation in Paris;

M. Aram STEPHAN, Attaché in the Royal Egyptian Legation in Paris;

SPAIN

Delegates:

M. Antonio FABRA RIBAS, Envoy Extraordinary and Minister Plenipotentiary at Berne;

Dr. Mariano GOMEZ, President of the Supreme Court of Justice, former Rector of the University of Valencia;

M. Benito PABON, President of the Legal Advisory Committee;

Secretary:

M. Rafael TOLSA;

FRANCE

Delegates:

M. François DE TESSAN, Deputy, Under-Secretary of State in the Department of the President of the Council;

M. Max HYMANS, Deputy, former President of the Commission for Customs and Commercial Conventions;

Deputy-delegates:

M. Jean POZZI, Minister Plenipotentiary;

M. Ernest LAGARDE, Minister Plenipotentiary, *Sous-Director d'Afrique-Levant*;

M. Paul CHARGUÉRAUD, Legal Adviser to the Ministry of Foreign Affairs;

Adviser:

M. Maurice LINANT DE BELLEFONDS, former Royal Counsellor of the Egyptian Government;

Secretary-General:

M. Roger GARREAU, Counsellor of Embassy;

Secretaries:

M. Roger Robert DU GARDIER, Secretary of Embassy, *Deputy Secretary-General*;

M. Albert CHAMBON, Far-Eastern Secretary-Interpreter;

M. Henri BRADIER, Attaché in the Ministry of Foreign Affairs;

Experts:

M. Jean CABOUAT, *Chef de Cabinet* of the Under-Secretary of State in the Department of the President of the Council;

M. Raoul AGHION, Adviser on French Foreign Trade;

GREECE

Delegates:

M. Nicolas POLITIS, Greek Minister in Paris, former Minister for Foreign Affairs, *President of the Delegation*;

M. Georges ROUSSOS, Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs;

M. Constantin VRYAKOS, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;

M. Constantin SAKELLAROPOULOU, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry of Foreign Affairs;

Secretary-General:

M. Michel MELAS, First Secretary of Legation;

INDIA

Delegate:

Captain the Right Honourable David Euan WALLACE, M.C., M.P.;

IRISH FREE STATE

Delegate:

Mr. F. T. CREMINS, Permanent Delegate to the League of Nations;

ITALY

Delegates:

Count Luigi ALDROVANDI MARESCOTTI DI VIANO, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia, *President of the Delegation*;

M. Salvatore MESSINA, President of Section in the Court of Cassation;
M. Piero PARINI, Minister Plenipotentiary, Director-General of Italians abroad;

M. Pellegrino GHIGI, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

Secretary-General:

Count Vittorio ZOPPI, Counsellor of Legation;

Experts:

M. Alberto d'AGOSTINO, Director-General in the Department of the Under-Secretary of State, for Trade and Exchange;

M. Leopoldo PICCARDI, Counsellor of State;

M. Alberto CALISSE, Assistant Director of Commercial Affairs in the Ministry of Foreign Affairs;

M. Gactano MORELLI, Professor of International Law;

Secretaries:

M. Giacomo PROFILI;

M. Mario PIRODDI;

NORWAY

Delegate:

M. Michaël HANSSON, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

Technical Expert:

Georges CORONI Bey, Administrative Director of the Nansen International Office, Former Chief Registrar of the Egyptian Mixed Court of Appeal;

NEW ZEALAND

Delegate:

Captain the Right Honorable David Euan WALLACE, M.C., M.P.;

NETHERLANDS

Delegates:

M. W. C. BEUCKER ANDREAE, Head of the Legal Section in the Ministry of Foreign Affairs, The Hague;

M. le Chevalier J. J. B. BOSCH DE ROSENTHAL, Chargé d'Affaires in Egypt;

Count W. F. L. DE BYLANDT, Counsellor of the Netherlands Legation in Paris;

PORTUGAL

Delegate:

Dr. J. CAEIRO DA MATTA, Former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

SWEDEN

Delegate:

M. K. K. F. MALMAR, Director of the Legal Division at the Ministry of Foreign Affairs.

M. Th. AGHNIDES, Director of the Disarmament Section of the Secretariat of the League of Nations, discharged the duties of Secretary-General of the Conference.

In a series of meetings held from April 12th to May 8th 1937, throughout which the above-mentioned delegates were constantly animated by the desire to realise their Governments' intentions to establish, following upon their agreement regarding the abolition of the Capitulatory system in Egypt, the bases of the most confident collaboration between that Power and the other High Contracting Parties, the Conference drew up for signature by the Plenipotentiaries the text of the Convention, *Règlement* and Protocol and took cognizance and note of the Declaration and Letters enumerated hereunder and annexed to the present Final Act:

- I. Convention regarding the abolition of the Capitulations in Egypt.
- II. *Règlement d'organisation judiciaire* (Annex to the Convention).
- III. Protocol.
- IV. Declaration by the Royal Egyptian Government.
- V. Letters.

In faith whereof the Plenipotentiaries have signed the present Act.

Done at Montreux, this eighth day of May, one thousand nine hundred and thirty-seven, in a single copy which shall be deposited in the archives of

the Royal Egyptian Government and of which certified true copies shall be delivered to the Governments of the signatory Powers.

The President of the Conference:
MOUSTAPHA EL-NAHAS

*The Secretary-General
of the Conference:*

TH. AGNIDES

Union of South Africa:

S. F. N. GIE

H. T. ANDREWS

United States of America:

BERT FISH

Australia:

DAVID EUAN WALLACE

Belgium:

P. FORTHOMME

Great Britain and Northern Ireland:

DAVID EUAN WALLACE

DAVID VICTOR KELLY

WILLIAM ERIC BECKETT

Denmark:

N. P. ARNSTEDT

N. V. BOEG

Egypt:

MOUSTAPHA EL-NAHAS

A. MAHER

WACYF BOUTROS GHALI

MAKRAM EBEID

A. BADAoui

Spain:

A. FABRA RIBAS

MARIANO GOMEZ

France:

F. DE TESSAN

HYMANS

Greece:

N. POLITIS

G. ROUSSOS

C. VRYAKOS

C. M. SAKELLAROPOULO

India:

DAVID EUAN WALLACE

Irish Free State:

F. T. CREMINS

Italy:

L. ALDROVANDI

SALVATORE MESSINA

PIERO PARINI

GHIGI

Norway:

MICHAËL HANSSON

New Zealand:

DAVID EUAN WALLACE

Netherlands:

W. C. BEUCKER ANDREAE

J. BOSCH DE ROSENTHAL

W. DE BYLANDT

Portugal:

CAEIRO DA MATTA

Sweden:

MALMAR

DECLARATION BY THE ROYAL EGYPTIAN GOVERNMENT

The undersigned, acting in virtue of their full powers, make the following declaration:

1. COMPETENCE OF THE MIXED TRIBUNALS

With reference to Article 25, paragraph 1, of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government has already decided to extend by decree the competence of the Mixed Tribunals to nationals of the following eight States: Austria, Czechoslovakia, Germany, Hungary, Poland, Roumania, Switzerland, Yugoslavia.

2. NON-DISCRIMINATION RULE

With reference to Article 2, paragraph 2, of the Convention and the Protocol relating thereto, the fact that the effect of the non-discrimination rule referred to in the above-mentioned Article 2 is limited to the duration of the transition period, does not imply any intention on the part of the Royal Egyptian Government to pursue thereafter in this matter any contrary policy of discrimination against foreigners. The Royal Egyptian Government is, moreover, prepared to conclude Establishment Treaties and Treaties of Friendship with the various Powers.

3. PERSONAL STATUS

The Royal Egyptian Government, having already, and more particularly in the Establishment Treaties which it has concluded with Iran and Turkey, spontaneously adopted the principle that, in matters of personal status, the personal law should apply, intends to adopt the same principle with regard thereto in the future.

As regards the rules of procedure, which the Royal Egyptian Government intends to enact for cases of personal status, these will be applied provided that no substantive rule of the foreign national law prevents their application.

4. DEPORTATION

Although the abolition of Capitulations entails the removal of all the existing restrictions on the Royal Egyptian Government's right to deport foreigners who are within Egyptian territory, nevertheless that Government does not intend to exercise during the transition period its right of deportation in respect of a foreigner subject to the jurisdiction of the Mixed Tribunals, who shall have resided in Egypt for at least five years, or to refuse such a foreigner access to Egyptian territory, if he has temporarily quitted that territory, unless:

- (a) he has been convicted in respect of a crime or misdemeanour punishable by more than three months' imprisonment, or
- (b) he has been guilty of activities of a subversive nature or to the prejudice of public order or public tranquillity, morality or health, or
- (c) he is indigent and a burden upon the State.

The Royal Egyptian Government further proposes to set up an administrative advisory committee, of which the Procurator General of the Mixed Tribunals shall be a member, for the purpose of examining any disputes on the subject of the identity or the nationality of the person whose deportation is under consideration, or of the length of his residence in Egypt, or of the existence of the facts which constitute the grounds for deportation.

5. EXTRADITION

In conformity with the practice generally adopted in regard to extradition, the Royal Egyptian Government intends to adopt judicial procedure in this matter. It will therefore be necessary for the Mixed Tribunals to pronounce upon the regularity of the request for extradition when such request relates to a foreigner within the jurisdiction of the said Tribunals.

6. CLAUSE RELATING TO THE JURISDICTION TO WHICH DISPUTES SHOULD BE SUBMITTED

With reference to Article 26 of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government does not intend to insert in Government contracts (including contracts made by public administrations and municipalities) any clause relating to the jurisdiction to which disputes should be submitted.

7. JUDGES, OFFICIALS AND MEMBERS OF THE BAR

The Royal Egyptian Government does not intend to alter either the existing conditions of service or the present salaries of judges of the Mixed Tribunals.

Similarly, the Government does not intend to alter the present salaries of officials and employees of the said Tribunals.

It will give sympathetic consideration to their treatment in respect of grading, rules for increase of salary and promotion, when the new cadre now being considered is introduced.

The case of any such officials and employees who may be retired at the end of the transition period will receive special consideration, the circumstances peculiar to each individual being taken into account. Should such circumstances justify it, certain advantages may be granted in the matter of the pension or compensation to be paid.

As regards the pensions of foreign judges, officials and employees, the Government intends to ensure that they are not prejudiced by double taxation.

Furthermore, in the case of advocates admitted to practise at the Mixed Bar the Egyptian Government intends to take the necessary measures to enable such advocates, at the end of the transition period, to obtain unconditionally the inscription of their names and the recognition of their professional seniority on the roll of the Order of Advocates practising in the National Tribunals.

Done at Montreux on May 8th, 1937.

MOUSTAPHA EL-NAHAS
A. MAHER
WACYF BOUTROS GHALI
MAKRAM EBEID
A. BADAQUI

LETTERS RELATING TO EDUCATIONAL, MEDICAL, AND CHARITABLE INSTITUTIONS (ASSOCIATIONS OR FOUNDATIONS)

The President of the Egyptian Delegation to the President of the United States Delegation

MONTREUX, May 8th 1937.

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United States of America in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Royal Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United States of America on condition that there is no offence against public order or morals.

A list of institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United States of America.

I have the honour to be, Sir,

Your obedient servant.

MOUSTAPHA EL-NAHAS
President of the Egyptian Delegation.

*The President of the United States Delegation to the President
of the Egyptian Delegation*

MONTREUX, May 8th, 1937.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of the United States of America in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I have the honour to be, Sir,
Your obedient servant.

BERT FISH

President of the Delegation of the United States of America.

*The President of the Egyptian Delegation to the President of the Delegation
of the United Kingdom*

MONTREUX, May 8th, 1937.

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Royal Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United Kingdom on condition that there is no offence against public order or morals.

A list of the institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United Kingdom.

I have the honour to be, Sir,
Your obedient servant,

MOUSTAPHA EL-NAHAS
President of the Egyptian Delegation.

*The President of the Delegation of the United Kingdom to the President
of the Egyptian Delegation*

MONTREUX, May 8th, 1937.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's letter of to-day's date. It is with pleasure that I note the assurances contained therein on the subject of the régime which will in future govern the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt.

I thank Your Excellency for these assurances which are received with much satisfaction. I do not doubt moreover that Egypt, which has always shown a benevolent interest in the work of these institutions and has given proof of the most liberal spirit of understanding towards them, will continue to facilitate the useful activities which they have always exercised to the mutual profit of our two countries.

I have the honour to be, Sir,
Your obedient servant,

EUAN WALLACE
President of the Delegation of the United Kingdom.

The President of the Egyptian Delegation to the President of the Spanish Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to declare that the institutions of Spain in Egypt will be subject on the part of the Egyptian Government to the same treatment as that which is indicated in the letter addressed to the president of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom, and under the same conditions.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

The President of the Spanish Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt from Your Excellency of the following letter which you were good enough to address to me today:

"I have the honor to declare that the institutions of Spain in Egypt will be subject on the part of the Egyptian Government to the same treatment as that which is indicated in the letter addressed to the president of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom, and under the same conditions."

In thanking Your Excellency for this kind communication which I acknowledge in the name of my Government, I avail myself of this occasion to repeat to Your Excellency the assurances of my high consideration.

A. FABRA RIBAS,
President of the Spanish delegation.

The President of the Egyptian Delegation to the President of the French Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of France in Egypt, I have the honor

to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of France on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

ANNEX

The list to be drawn up by common agreement between the French Government and the Egyptian Government shall include in particular:

1. French Institute of Oriental Archaeology.
2. French Law School at Cairo.
3. Establishments of the French lay mission.
4. Educational institutions belonging to religious congregations.
5. Courses of l'Alliance Française and other educational organizations.
6. Convents and seminaries.
7. Parish, episcopal and patriarchal institutions.
8. Hospitals, asylums, dispensaries, and crèches.

The President of the French Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of France in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

F. DE TESSAN,
President of the French delegation.

The President of the Egyptian Delegation to the President of the Hellenic Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of Greece in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or in any case until the end of the transition period all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of Greece on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

ANNEX

This list has a provisional character and is to be replaced by a definitive list drawn up by common agreement.

1. ASSOCIATIONS OF PRIVATE LAW DENOMINATED "HELLENIC COMMUNITIES"

1. *Alexandria*. The association possesses and administers: (a) eleven schools (primary and secondary, classical and commercial), whether for girls or for boys; (b) five churches; (c) a cemetery; (d) an old men's home; (e) a hospital; (f) people's kitchen.

2. *Cairo*. The Cairo association possesses and administers: (a) a complete school for girls, a primary school for boys and a primary school for girls; (b) two churches; (c) a hospital.—It is to be noted also that the Hellenic Colony of this district has a very important interest in the Abet Foundation, and takes part in its administration.

3. *Mansourah*. The association possesses and administers a primary school and a secondary school, a church and a cemetery.

4. *Assouan*. The association possesses and administers a church and a primary school.

5. *Benha*. The association possesses and administers a church and a primary school.

6. *Suef*. The association possesses and administers a church, a cemetery with a chapel and an elementary school.

7. *Assiout*. The association possesses and administers a church and a primary school.

8. *Damanhour*. The association possesses and administers a church and a primary school.

9. *Zagazig*. The association possesses and administers a church, a primary school, a secondary school and a cemetery with chapel.

10. *Zifteh*. The association possesses and administers a church and a primary school.

11. *Zeitoun*. The association possesses and administers a church and a primary school.

12. *Héliopolis*. The association possesses and administers a primary school.

13. *Ismailieh*. The association possesses and administers two churches and a primary school.
 14. *Kafr el Zayat*. The association possesses and administers a church and a primary school.
 15. *Kantara*. The association possesses and administers a church and a primary school.
 16. *Minieh*. The association of Minich possesses and administers a church, a primary school and a cemetery with chapel.
 17. *Minet el Gamh*. The association possesses and administers a church and a primary school.
 18. *Marsa Matrouh*. The association possesses and administers a church, a chapel and a primary school.
 19. *Mehallet el Kebir*. The association possesses and administers a church and a primary school, situated in a building which is owned by the Hellenic Government.
 20. *Mit Ghamr*. The association possesses and administers a church and a primary school.
 21. *Port-Saïd*. The association possesses and administers two churches, a primary school and a superior school at Port-Saïd and likewise a primary school and a superior school at Port-Fouad.
 22. *Shibin el Qom*. The association possesses and administers a church and a primary school.
 23. *Ibrahimieh*. (Suburb of Alexandria). The association possesses and administers a primary school for boys, a primary school for girls and two churches.
 24. *Suez*. The association possesses and administers two churches, a primary school and a superior school at Suez; it possesses and administers also at Port-Tewfik a primary school, a superior school and a church.
 25. *Tantah*. The association possesses and administers a church, a cemetery with chapel, a primary school and a secondary school.
 26. *Facous*. The association possesses and administers a church and a primary school.
 27. *Fayoum*. The association possesses and administers two churches and a primary school.
 28. *Helouan*. The association possesses and administers a church and a primary school.
 29. *Kafr el Daouar*. The association possesses and administers a chapel.
- NOTE. Several of these associations possess a cemetery.

II. OTHER ESTABLISHMENTS (FOUNDATIONS OR ASSOCIATIONS)

a) *Alexandria*

1. The Eschylus-Arion Association which possesses and administers a primary school and a boys' orphanage (Kaniskerion) with a church.
2. Benachion Foundation, an orphanage for young girls (with church).
3. Union of Hellenic Ladies, "Mana", which possesses and administers a crèche and a mixed orphanage.
4. Hellenic Nautical Club.
5. Cotsicas Hospital, property of the Hellenic Government, administered by the "Hellenic Community of Alexandria".
6. National League of Hellenic Ladies which possesses and administers the asylum "Zerbinion".
7. "Philoptochos" Charitable Association.
8. "Eleimosini" Charitable Association.
9. The association "Friends of the Old".
10. The "Melissa" association of young girls (charity).
11. Association of former pupils of the schools of the Hellenic community of Alexandria.

b) *Cairo*

1. Orphanage for boys and girls situated at Héliopolis, founded by the spouses, G. Spét-séropoulos, denominated the "Spétséropoulion."
2. Cheap kitchen, a charitable foundation.
3. "Philoptochos" charity association.
4. Philanthropic Union of Hellenic Ladies.

c) *Ibrahimieh*

1. The Charitable Foundation (cheap kitchen).
2. "Philoptochos" Charitable Association.

Charitable associations called "Philoptochos" (friends of the poor) exist likewise in the following localities: Zagazig, Tantah, Kafr el Zayat, Mansourah, Port-Saïd, Ismailieh, Suez, Damanhour.

Lastly, in the localities of: 1. Deirut; 2. Tahtah; 3. Cherbin, and 4. Belkas; there are four chapels of the Orthodox Greek rite, founded and maintained by the Hellenes who live there.

In receiving from the Hellenic delegation the above list, the Egyptian delegation has declared that it could not give its assent thereto before having made the detailed examination which it reserves the right to make as soon as it returns to Egypt for the purpose of assuring itself:

- a) That there is included therein no establishment recognized as a national Egyptian one;
- b) That the establishments enumerated therein belong to the categories agreed upon in the letter to which it is annexed.

M. N.

The President of the Hellenic Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of Greece in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

N. POLITIS,
President of the Hellenic delegation.

The President of the Egyptian Delegation to the President of the Italian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable in-

stitutions (associations or foundations) of Italy in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or in any case until the end of the transition period all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of Italy on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurance of my high consideration.

MOUSTAPHIA EL-NAHAS,
President of the Egyptian delegation.

PROVISIONAL LIST

The definitive list to be drawn up by common agreement between the Italian Government and the Egyptian Government will include in particular:

1. The "Royal Italian Schools";
2. The "Schools of the National Association Italica Gens", with the buildings used by the monks who administer them;
3. Hospitals, asylums and crèches;
4. The charitable works dependent on the Fascio intended for pecuniary or spiritual assistance in so far as they are occupied with assistance to the exclusion of other activities.
5. Episcopal and parish institutions, convents and seminaries.

The President of the Italian Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of Italy in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

L. ALDROVANDI,
President of the Italian delegation.

The President of the Egyptian Delegation to the President of the Netherland Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to state that the institutions of the Netherlands, in Egypt, will receive on the part of the Egyptian Government the same treatment as that which is indicated in the letter addressed to the President of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom and under the same conditions.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

The President of the Netherland Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge receipt to Your Excellency of the following letter which you were good enough to address to me today:

"I have the honor to state that the institutions of the Netherlands, in Egypt,

will receive on the part of the Egyptian Government the same treatment as that which is indicated in the letter addressed to the President of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom and under the same conditions."

In thanking Your Excellency for this kind communication, of which I acknowledge receipt in the name of my Government, I avail myself of this occasion to repeat to Your Excellency the assurances of my high consideration.

W. C. BEUCKER ANDREAE,
President of the Netherland delegation.

LETTERS CONCERNING THE PARTICIPATION OF CANADA
IN THE CONFERENCE

*The High Commissioner for Canada in London to the President
of the Conference*

LONDON, *April 14th, 1937.*

SIR,

I have the honour on behalf of the Government of Canada to inform Your Excellency as President of the Capitulations Conference that in view of lack of any interest special to Canada, the Government of Canada have not considered Canadian representation in the present Conference to be necessary, and will accept the provisions of any Convention drawn up at Montreux which is signed and ratified in respect of other members of the British Commonwealth of Nations.

This acceptance by the Government of Canada is naturally on the understanding that Canada can claim under the Convention the same rights as those States in whose respect it has been signed and ratified.

I request Your Excellency that copies of this note be communicated to all the delegations at the Conference and recorded in the archives of the Conference.

I have the honour to be, Sir,
Your obedient servant,

Vincent MASSEY

*The President of the Conference to the High Commissioner for Canada
in London*

MONTREUX, *April 19th, 1937.*

SIR,

I have the honour to acknowledge receipt of your letter of April 14th, in which on behalf of the Government of Canada you were good enough to inform me, as President of the Capitulations Conference, of the reasons for the Government of Canada not being represented at the present Conference.

In compliance with the wish expressed in the last paragraph of your letter, I have circulated copies of your communication to all the delegations and

have given instructions that it shall be recorded in the archives of the Conference.

I have the honour to be, Sir,
Your obedient servant,

MOUSTAPHA EL-NAHAS.
President of the Conference.

PROCÈS-VERBAL

OF THE DEPOSIT OF THE INSTRUMENT OF RATIFICATION OF THE UNITED STATES OF AMERICA OF THE CONVENTION CONCERNING THE ABOLITION OF THE CAPITULATIONS IN EGYPT, SIGNED AT MONTREUX ON MAY 8, 1937

[TRANSLATION]

In accordance with the provisions of Article 15 of the Convention concerning the Abolition of the Capitulations in Egypt, signed at Montreux on May 8, 1937, Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Egypt, appeared today at the Ministry of Foreign Affairs of the Kingdom of Egypt for the purpose of proceeding to the deposit of the instrument of ratification of the President of the United States of America of the Convention above-mentioned.

This instrument having been examined and found in good and due form, has been deposited in the archives of the Ministry of Foreign Affairs of the Kingdom of Egypt to be preserved with the present procès-verbal.

The States which are parties to the Convention and the Secretary of the League of Nations will be notified of the said deposit.

In proceeding to this deposit, Mr. Bert Fish stated by a letter that his Government desires to avail itself of the option provided by Article 9 of the Convention and to retain its Consular Courts in Egypt for the purpose of exercising jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America.

Done in duplicate at Bulkeley, August 29, 1938.

The Minister of Foreign Affairs

A. YEHA

The Minister of the United States of America

BERT FISH

The Director of Political and Commercial Affairs a. i.

W. ROSTUM

LETTER FROM THE AMERICAN MINISTER TO THE EGYPTIAN MINISTER OF FOREIGN AFFAIRS

No. 550

LEGATION OF THE UNITED STATES OF AMERICA,

[Bulkeley,] Ramleh, August 29, 1938.

EXCELLENCY:

With reference to the deposit this day of the ratification of the President of the United States of America of the Convention and annexed protocol, signed at Montreux on May 8, 1937, regarding the abolition of the capitula-

tions in Egypt, I have the honor, in accordance with my instructions, to inform Your Excellency that as provided in Article 9 of the Convention, it is the intention of the Government of the United States of America to retain American Consular courts in Egypt for the purposes of jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

BERT FISH

American Minister

His Excellency

ABDEL FATTAH YEHIA PASHA,
Minister of Foreign Affairs,
Cairo.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES

WHEREAS by a Presidential proclamation issued on March 27, 1876,⁸ pursuant to the authority of the act of Congress approved March 23, 1874,⁹ the judicial functions theretofore exercised in Egypt by the minister, consuls, or other functionaries of the United States pursuant to the act of Congress approved June 22, 1860,¹⁰ were suspended, during the pleasure of the President, so far as the jurisdiction of certain Egyptian tribunals embraced matters cognizable by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before the date of the said proclamation;

WHEREAS at the time of the issuance of the said proclamation the jurisdiction of the said Egyptian tribunals did not extend to certain categories of cases within the jurisdiction of the minister, consuls, or other functionaries of the United States which were accordingly retained within the jurisdiction of, and have continued to the present time to be exercised by, those functionaries;

WHEREAS the Government of the United States and other governments concluded a convention with the Government of Egypt on May 8, 1937, providing for the termination of the capitulatory rights now enjoyed by the United States and other powers in Egypt and providing that, during the period October 15, 1937–October 14, 1949, the judicial functions now exercised by consular courts would be exercised by the Mixed Tribunals of Egypt, except as to personal status matters—as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to and forming a part of the said convention of May 8, 1937—with respect to which the said convention provides that the signatory governments may retain existing consular courts for the pur-

⁸ 19 Stat. 662.

⁹ 18 Stat. (pt. 3) 23.

¹⁰ 12 Stat. 72.

pose of jurisdiction in cases involving the personal status of their respective nationals during the period October 15, 1937–October 14, 1949;

WHEREAS, pending the ratification of the said convention by the Government of the United States, it is in the interest of the United States to cooperate with the Government of Egypt and the other capitulatory powers by suspending the jurisdiction now exercised by the minister, consuls, or other functionaries of the United States in Egypt and consenting to the transfer of that jurisdiction to the Mixed Tribunals of Egypt, except jurisdiction in matters involving the personal status of citizens of the United States; and

WHEREAS satisfactory information has been received by me that the said Mixed Tribunals of Egypt are organized on a basis likely to secure to citizens of the United States in Egypt the impartial justice which they now enjoy under the judicial functions exercised by the minister, consuls, or other functionaries of the United States pursuant to the said act of Congress of June 22, 1860:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the power and authority conferred upon me by the said act of Congress approved March 23, 1874, do hereby suspend, effective October 15, 1937, during the pleasure of the President, the judicial functions now exercised by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before October 15, 1937, and except as to matters involving the personal status of citizens of the United States as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to the said convention of May 8, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of October, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

REGULATION OF WHALING

*Agreement signed at London June 8, 1937*¹

Senate advice and consent to ratification August 5, 1937

Ratified by the President of the United States August 13, 1937

Ratification of the United States deposited at London September 3, 1937

Entered into force provisionally July 1, 1937; definitively May 7, 1938

Proclaimed by the President of the United States May 18, 1938

*Extended beyond June 30, 1938, by agreement of the parties as certified by the United Kingdom June 29, 1938*²

Amended by protocols of June 24, 1938,³ February 7, 1944,⁴ and October 5, 1945;⁵ amended and extended by protocol of November 26, 1945,⁶ as extended and supplemented

*Terminated for the United States and certain other parties June 30, 1949*⁷

52 Stat. 1460; Treaty Series 933

AGREEMENT FOR THE REGULATION OF WHALING

THE Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Germany, the United Kingdom of Great Britain and Northern Ireland, the Irish Free State, New Zealand and Norway, desiring to secure the prosperity of the whaling industry and, for that purpose, to maintain the stock of whales, have agreed as follows:

ARTICLE 1

The contracting Governments will take appropriate measures to ensure the application of the provisions of the present Agreement and the punishment of infractions against the said provisions, and, in particular, will maintain at least one inspector of whaling on each factory ship under their jurisdiction. The inspectors shall be appointed and paid by Governments.

¹ For final act of 1937 London conference and map showing waters defined in arts. 7 and 9, see 52 Stat. 1467 or p. 9 of TS 933.

² For text of certificate of extension, see 53 Stat. 1799 or p. 6 of TS 944.

³ TS 944, *post*, p. 519.

⁴ S. Ex. D, 78th Cong., 2d sess. The United States did not become a party.

⁵ S. Ex. J, 79th Cong., 1st sess. The United States did not become a party.

⁶ TIAS 1597, *post*, p. 1328.

⁷ Pursuant to notices of withdrawal in accordance with art. 21.

ARTICLE 2

The present Agreement applies to factory ships and whale catchers and to land stations as defined in Article 18 under the jurisdiction of the contracting Governments, and to all waters in which whaling is prosecuted by such factory ships and/or whale catchers.

ARTICLE 3⁸

Prosecutions for infractions against or contraventions of the present Agreement and the regulations made thereunder shall be instituted by the Government or a Department of the Government.

ARTICLE 4

It is forbidden to take or kill Grey Whales and/or Right Whales.

ARTICLE 5⁹

It is forbidden to take or kill any Blue, Fin, Humpback or Sperm whales below the following lengths, viz.:

(a) Blue whales.....	70 feet
(b) Fin whales.....	55 feet
(c) Humpback whales.....	35 feet
(d) Sperm whales.....	35 feet

ARTICLE 6

It is forbidden to take or kill calves, or suckling whales or female whales which are accompanied by calves or suckling whales.

ARTICLE 7¹⁰

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from the 8th day of December to the 7th day of March following, both days inclusive, provided that in the whaling season 1937-38 the period shall extend to the 15th day of March, 1938, inclusive.

ARTICLE 8¹¹

It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

⁸ For an amendment relating to art. 3, see TIAS 1597, *post*, p. 1330.

⁹ For an amendment relating to art. 5, see TS 944, *post*, p. 520.

¹⁰ For amendments relating to art. 7, see TS 944, *post*, p. 520; S. Ex. D, 78th Cong., 2d sess.; S. Ex. J, 79th Cong., 1st sess.; and TIAS 1597; *post*, p. 1329.

¹¹ For an amendment relating to art. 8, see TS 944, *post*, p. 520.

ARTICLE 9¹²

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas, viz.:

(a) in the Atlantic Ocean north of 40° South Latitude and in the Davis Strait, Baffin Bay and Greenland Sea;

(b) in the Pacific Ocean east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(c) in the Pacific Ocean west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(d) in the Indian Ocean north of 40° South Latitude.

ARTICLE 10

Notwithstanding anything contained in this Agreement, any contracting Government may grant to any of its nationals a special permit authorising that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the contracting Government thinks fit, and the killing, taking and treating of whales in accordance with the terms in force under this article shall be exempt from the operation of this Agreement.

Any contracting Government may at any time revoke a permit granted by it under this article.

ARTICLE 11

The fullest possible use shall be made of all whales taken. Except in the case of whales or parts of whales intended for human food or for feeding animals, the oil shall be extracted by boiling or otherwise from all blubber, meat (except the meat of sperm whales) and bones other than the internal organs, whale bone and flippers, of all whales delivered to the factory ship or land station.

ARTICLE 12¹³

There shall not at any time be taken for delivery to any factory ship or land station a greater number of whales than can be treated efficiently and in accordance with article 11 of the present Agreement by the plant and personnel therein within a period of thirty-six hours from the time of the killing of each whale.

ARTICLE 13

Gunners and crews of factory ships, land stations and whale catchers shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken, and not merely upon the number of the whales taken, and no bonus or

¹² For an amendment relating to art. 9, see TS 944, *post*, p. 520.

¹³ For an amendment relating to art. 12, see TS 944, *post*, p. 521.

other remuneration, calculated by reference to the results of their work, shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Agreement.

ARTICLE 14

With a view to the enforcement of the preceding article, each contracting Government shall obtain, in respect of every whale catcher under its jurisdiction, an account showing the total emolument of each gunner and member of the crew and the manner in which the emolument of each of them is calculated.

ARTICLE 15

Articles 5, 9, 13 and 14 of the present Agreement, in so far as they impose obligations not already in force, shall not until the 1st day of December, 1937, apply to factory ships, land stations or catchers attached thereto which are at present operating or which have already taken practical measures with a view to whaling operations during the period before the said date. In respect of such factory ships, land stations and whale catchers, the Agreement shall in any event come into force on the said date.

ARTICLE 16

The contracting Governments shall obtain with regard to all factory ships and land stations under their jurisdiction records of the number of whales of each species treated at each factory ship or land station and as to the aggregate amounts of oil of each grade and quantities of meal, guano and other products derived from them, together with particulars with respect to each whale treated in the factory ship or land station as to the date and place of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus.

ARTICLE 17

The contracting Governments shall, with regard to all whaling operations under their jurisdiction, communicate to the International Bureau for Whaling Statistics at Sandefjord in Norway the statistical information specified in Article 16 of the present Agreement together with any information which may be collected or obtained by them in regard to the calving grounds and migration routes of whales.

In communicating this information the Governments shall specify:

- (a) the name and tonnage of each factory ship;
- (b) the number and aggregate tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

ARTICLE 18

In the present Agreement the following expressions have the meanings respectively assigned to them, that is to say:

“factory ship” means a ship in which or on which whales are treated whether wholly or in part;

“whale catcher” means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

“land station” means a factory on the land, or in the territorial waters adjacent thereto, in which or at which whales are treated whether wholly or in part;

“baleen whale” means any whale other than a toothed whale;

“blue whale” means any whale known by the name of blue whale, Sibbald’s rorqual or sulphur bottom;

“fin whale” means any whale known by the name of common finback, common finner, common rorqual, finback, fin whale, herring whale, razor-back, or true fin whale;

“grey whale” means any whale known by the name of grey whale, California grey, devil fish, hard head, mussel digger, grey back, rip sack;

“humpback whale” means any whale known by the name of bunch, hump-back, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

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

“sperm whale” means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale;

“length” in relation to any whale means the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

ARTICLE 19

The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible. It shall come into force upon the deposit of instruments of ratification by a majority of the signatory Governments, which shall include the Governments of the United Kingdom, Germany and Norway; and for any other Government not included in such majority on the date of the deposit of its instrument of ratification.

The Government of the United Kingdom will inform the other Governments of the date on which the Agreement thus comes into force and the date of any ratification received subsequently.

ARTICLE 20

The present Agreement shall come into force provisionally on the 1st day of July, 1937, to the extent to which the signatory Governments are respectively able to enforce it; provided that if any Government within two months of the signature of the Agreement informs the Government of the United Kingdom that it is unwilling to ratify it the provisional application of the Agreement in respect of that Government shall thereupon cease.

The Government of the United Kingdom will communicate the name of any Government which has signified that it is unwilling to ratify the Agreement to the other Governments, any of whom may within one month of such communication withdraw its ratification or accession or signify its unwillingness to ratify as the case may be, and the provisional application of the Agreement in respect of that Government shall thereupon cease. Any such withdrawal or communication shall be notified to the Government of the United Kingdom, by whom it will be transmitted to the other Governments.

ARTICLE 21

The present Agreement shall, subject to the preceding article, remain in force until the 30th day of June, 1938, and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway, shall have agreed to extend its duration. In the event of such extension it shall remain in force until the contracting Governments agree to modify it, provided that any contracting Government may, at any time after the 30th day of June, 1938, by giving notice on or before the 1st day of January in any year to the Government of the United Kingdom (who on receipt of such notice shall at once communicate it to the other contracting Governments) withdraw from the Agreement, so that it shall cease to be in force in respect of that Government after the 30th day of June following, and that any other contracting Government may, by giving notice in the like manner within one month of the receipt of such communication, withdraw also from the Agreement, so that it shall cease to be in force respecting it after the same date.

ARTICLE 22

Any Government which has not signed the present Agreement may accede thereto at any time after it has come into force. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Agreement of all accessions received and the date of their receipt.

In faith whereof the Undersigned, being duly authorised, have signed the present Agreement.

Done in London the 8th day of June, 1937, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies will be transmitted to all the other contracting Governments.

For the Government of the Union of
South Africa:

F. J. DU TOIT

For the Government of the United
States of America:

HERSCHEL V. JOHNSON

REMINGTON KELLOGG

For the Government of the Argentine
Republic:

MANUEL E. MALBRÁN

M. FINGATI

T. L. MARINI

For the Government of the Common-
wealth of Australia:

S. M. BRUCE

For the Government of Germany:

WOHLTAT

For the Government of the United King-
dom of Great Britain and Northern
Ireland:

HENRY G. MAURICE

GEO. HOGARTH

For the Government of the Irish Free
State:

SEAN O'FAOLAIN O'DULCHAONTIGH

For the Government of New Zealand:

G. McNAMARA

For the Government of Norway:

BIRGER BERGERSEN

TELECOMMUNICATION: INTER-AMERICAN RADIOCOMMUNICATIONS (CONVENTION)

*Convention, signed at Havana December 13, 1937, with annexes
Senate advice and consent to ratification June 15, 1938*

Ratified by the President of the United States June 30, 1938

Ratification of the United States deposited at Havana July 21, 1938

*Entry into force: Parts One, Three, and Four July 1, 1938 (for the
United States July 21, 1938); Part Two April 17, 1939*

Proclaimed by the President of the United States September 19, 1938

*Part Two terminated December 20, 1958, by multilateral declaration
of December 20, 1957*¹

53 Stat. 1576; Treaty Series 938

INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

concluded at Havana, on December 13th, 1937 among the Governments
of the States named below:

Brazil, Canada, Colombia, Cuba, Chile, Dominican Republic, United
States of America, Guatemala, Haiti, Mexico, Nicaragua, Panama,
Peru, Uruguay and Venezuela.

The governments named above, recognizing the benefits of cooperation
and mutual understanding resulting from the exchange of views with respect
to radiocommunications, have designated the undersigned plenipotentiaries
to the first Inter-American Radio Conference, held in the City of Havana,
Republic of Cuba, who by common consent and subject to ratification, have
concluded the following Convention, in conformity with the provisions of
the International Telecommunications Convention of Madrid, 1932.²

PART ONE

Conferences

ARTICLE 1. OBJECTIVE

The contracting governments agree to meet periodically in conferences
of plenipotentiaries for the purpose of resolving by common understanding

¹ 9 UST 1037; TIAS 4079.

² TS 867, *ante*, p. 65.

such problems as may arise in the field of radiocommunications in the American continent.

ARTICLE 2. COMPOSITION OF THE CONFERENCES

The conferences shall be composed, as provided in the Internal Regulations of the Inter-American Radio Conferences, (Annex 1 of this Convention), of the delegates of all the Governments of the American Continent which agree to attend.

Representatives of institutions and organizations associated with radiocommunications, of enterprises or groups of enterprises and bodies or persons engaged in the operation of radio services may also attend, as observers, provided they are authorized by their respective Governments.

ARTICLE 3. VOTING

A) Only one vote shall be had in the Conferences by each State that meets the following qualifications:

- I a permanent population;
- II a defined territory;
- III government;
- IV capacity to enter into relations with the other States.

B) Countries or territories not possessing these qualifications may have voice but no vote in the conferences; but agreements resulting from the conferences shall be open for their adherence through the medium of their respective home governments.

ARTICLE 4. PLACE AND DATE OF CONFERENCES

The conferences shall be held at intervals not greater than three years. The country and the date at which each conference is to meet shall be fixed by the preceding conference. However, the date scheduled for a meeting may be advanced or postponed by the organizing government at the request of five or more participating governments.

The government of the country in which the conference is scheduled to be held, hereafter referred to as the organizing government, shall fix the place and the final date of the meeting and shall send out the invitations for attendance through the customary diplomatic channels, at least six months in advance.

ARTICLE 5. INTERNAL REGULATIONS FOR CONFERENCES

This convention has annexed Internal Regulations for the Inter-American Radio Conference (Annex 1) which establish the procedure to be followed at the meetings and which may be amended only by the affirmative vote of two-thirds of the states participating at the Conference in question.

PART TWO

Inter-American Radio Office, (O.I.R.)

ARTICLE 6. OBJECT

The contracting governments agree:

(A) To establish the Inter-American Radio Office, (OIR), as an Inter-American organization of a consultative character which shall centralize and facilitate, among the administrations of the American countries, the interchange and circulation of information relative to radiocommunications in all their aspects, and collaborate in the organization of the conferences mentioned in Part One of this convention; and

(B) 1.—To communicate at the proper time to the Inter-American Radio Office all provisions of internal and international radio legislation and the regulations in force in their territories, and such amendments as may be introduced in these provisions; as well as statistical, technical and administrative reports relative thereto; and

2.—Specifically, to transmit to the OIR every six months an official list of the frequencies assigned by them to all broadcasting stations and to notify monthly all changes and additions thereto.

Such notification shall be made in accordance with the procedure adopted in the current General Radio Regulations annexed to the International Telecommunication Convention and shall also include:

- a. Power actually in use.
- b. Maximum contemplated power.
- c. Hours of transmission.

The required notifications referred to shall be made in all cases, independently of the usual notification sent to the Bureau of the International Telecommunication Union.

ARTICLE 7. FUNCTIONS

The Inter-American Radio Office shall be charged with:

(A) the preparatory work of conferences and the work resulting from their decisions;

(B) providing in accord with the organizing government concerned, the Secretariat of the conferences;

(C) the issuance of such publications as may be established by conferences;

(D) the publication and circulation of technical information other than that resulting from conferences, including the exchange of data relating to the accuracy and stability of frequencies, to interference or other disturbances observed in the territories of the contracting countries, and such other studies as may be carried on, such as the propagation of waves, the general

characteristics of antennas, etc.; also the exchange of documents of a legal nature, treaties and general information designed for a better understanding and raising of the standards of radiocommunications in the American continent;

(E) the submission of an annual report of its work, which shall be communicated to all contracting governments;

(F) the performance of such other duties as may pertain to it or be assigned to it by the conferences.

ARTICLE 8. MAINTENANCE OF THE OFFICE

(A) The general expenses of the Inter-American Radio Office shall not exceed the sum of Twenty Five Thousands Dollars (\$25,000.00) currency of the United States of America, per annum.

(B) In order to defray these expenses each of the American governments agrees to contribute in proportion to a certain number of units corresponding to the category to which it belongs, as provided in the Internal Regulations of the OIR. For this purpose six categories are established with the units assigned to each as shown below:

Categories:	I	II	III	IV	V	VI
Units:	25	20	15	10	5	3

(C) The general expenses will not include the expenses incidental to the work of conferences, which shall be borne by the organizing government.

(D) The funds required for the Office shall be payable half yearly in advance by the governments forming part of the Inter-American Radio Office. If any country is in arrears of payment the government of the country in which the Office is located shall advance amounts as required. The sums thus advanced must be reimbursed by the debtor governments as soon as possible and at the latest at the expiration of the fourth month following the date on which payments are due.

ARTICLE 9. SEAT AND SUPERVISION OF THE OFFICE

(A) The seat of the Inter-American Radio Office and appointment of Director will form a subject of the Agenda for each conference.

(B) The Government of the country where the Office has its seat shall exercise general supervision over its organization, budget and finances and make the necessary advances of funds.

(C) The accounts of the Inter-American Radio Office shall be submitted by the Government where the Office is located to the next succeeding conference for approval.

(D) The Office is placed initially under the auspices of the Government of Cuba. Its headquarters shall be in the city of Havana.

ARTICLE 10. INTERNAL REGULATIONS FOR O. I. R.

This Convention has annexed Internal Regulations of the Inter-American Radio Office (Annex 2), which provide the details for the internal administration of this organization and which may be amended only by the affirmative vote of two-thirds of the States represented at a conference.

PART THREE

Special Provisions

ARTICLE 11. GENERAL PRINCIPLES

(A) The contracting Governments recognize the sovereign right of all nations to the use of every radio broadcasting channel.

(B) The American Governments, upon the sole condition that no interference will be caused to the services of another country, may assign any frequency and any type of wave to any radio station under their authority.

(C) Nevertheless, the Governments recognize that, until technical development reaches a state that permits the elimination of radio interference of international character, regional arrangements are essential in order to promote standardization and to minimize such interference.

(D) For the solution of those problems which, because of special propagation characteristics and interference conditions of radio transmission in the various geographical zones require special provisions, the contracting Governments agree to divide the American continent into three regions, designated as the northern zone, the central zone, and the southern zone (Annex 3).

ARTICLE 12. BILATERAL AGREEMENTS

The contracting governments whenever they shall deem it desirable within the scope of this convention shall negotiate bilateral agreements concerning the operation of radiotelegraph stations as between their respective nations in order to facilitate direct communication.

ARTICLE 13. FREQUENCY MEASURING STATIONS

The contracting governments agree to establish frequency measuring stations as soon as possible.

ARTICLE 14. EXCHANGE OF INFORMATION

The contracting governments which have not undertaken to communicate data relating to radiocommunications to an Inter-American centralizing office, shall interchange with all the other American governments the data referred to in Article 6, paragraph B (2), of this Convention.

ARTICLE 15. SAFETY OF LIFE AT SEA AND IN THE AIR

The contracting Governments shall take appropriate measures to ensure the maintenance of an adequate radio service, operated or licensed by the Government for the safety of navigation by sea and air.

ARTICLE 16. OBLIGATION OF ALL COMMERCIAL AIRCRAFT TO CARRY RADIO EQUIPMENT

The contracting Governments agree that:

(A) All aircraft when operating on International scheduled services and carrying passengers shall compulsorily be provided with radio apparatus, both sending and receiving, which must be in efficient operating condition and in charge of properly licensed operators; and

(B) Aircraft used for the transportation of passengers on international scheduled services making journeys over the sea beyond seventy five kilometers from any coast, shall be able to transmit and receive on the frequency of 500 kc/s. for the purpose of establishing emergency communication with stations in the marine radio service.

ARTICLE 17. ESTABLISHMENT OF AERONAUTICAL RADIO STATIONS

The contracting Governments agree independently or in accord with neighbouring countries to take the steps necessary to establish a sufficient number of regional stations, operated or licensed by the Government, to furnish meteorological and safety information necessary for air traffic and aircraft guidance.

ARTICLE 18. EMERGENCY COMMUNICATIONS

Subject to the internal regulations of each country, any radio transmitting station, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, carry on emergency communication with points other than those normally authorized.

ARTICLE 19. CULTURAL BROADCASTING

The contracting governments shall take the necessary measures in order to facilitate and promote the retransmission and exchange of international cultural, educational and historical programs of the countries of the American continent by their respective broadcasting stations.

ARTICLE 20. PRESS TRANSMISSIONS TO MULTIPLE DESTINATIONS

The contracting Governments agree that:

(A) The respective governments shall encourage the rapid and economical transmission, dissemination and interchange of news and information among the nations of America;

(B) Informative publications and news agencies be granted the use and enjoyment of the advantages of press radiocommunications to multiple destinations, these being offered at minimum prices, for which the tariffs may be based on units of time devoted to the transmission, or other means similarly economical;

(C) The low rates and other advantages, deriving from the principles established in the foregoing paragraphs of this article be enjoyed by all regularly constituted news and information agencies, newspapers and other periodicals, broadcast stations, news reels, news by printer services, bulletin boards, and any other proper means which may be developed;

(D) Encouragement should be given to the use and development of devices and methods designed to prevent unauthorized interception of press radio multiple address transmissions.

ARTICLE 21. RETRANSMISSIONS

The contracting Governments shall take appropriate measures to ensure that no program transmitted by a broadcasting station may be retransmitted or rebroadcast, in whole or in part, by any other station without the previous authorization of the station of origin.

The rebroadcasting station shall announce at suitable periods during the retransmission the nature of the broadcast, the location and the official call letters or other identification of the station of origin.

ARTICLE 22. CLANDESTINE STATIONS

The contracting Governments agree to give mutual support in discovering and suppressing clandestine transmitting stations whenever this becomes necessary.

PART FOUR

General Provisions

ARTICLE 23. ENTRY INTO FORCE OF THE CONVENTION AND RATIFICATION

A) The present Convention shall be ratified by the contracting States in conformity with their respective constitutional procedures.

B) Parts One, Three and Four of the present Convention shall come into force on the first day of July, 1938, if at that date two ratifications or final adherences have been deposited with the government of the country where the conference was held. If two ratifications or final adherences have not been deposited on that date those Parts of the Convention shall come into force thirty days after the second ratification or adherence has been deposited.

C) In order that Part Two of this Convention shall come into force, it will be necessary that the ratifications or final adherences deposited by the American governments shall represent, when added together, more than one-half

of the contributory units established for the maintenance of the Inter-American Radio Office (O. I. R.), in accordance with Article 8, paragraph B, of this Convention, as classified in the Internal Regulations of the O. I. R. (Annex 2, article 7).

D) The depository government shall notify, as soon as possible, the ratifications and adherences which are received to all the governments of the States of the American Continent.

ARTICLE 24. ADHERENCES

This Convention shall be open to adherence by all non-signatory American countries.

ARTICLE 25. DIVISIBILITY OF CONVENTION

The ratifications or adherences to the present Convention may refer to the totality thereof or to two or more of its parts; provided that, in every case Parts One and Four (Conferences and General Provisions) be ratified or adhered to.

ARTICLE 26. REPORTS OF RATIFICATIONS AND ADHERENCES

On June 1, 1938, and subsequently at intervals of six months, the depository government shall request those governments of the Americas which may not have ratified or adhered to this Convention, to report regarding such ratification or adherence. These reports shall be communicated to all the other governments of the American Continent.

ARTICLE 27. DENUNCIATION

A) This Convention may be denounced in its entirety, or Parts Two and Three separately, by notice addressed to the depository government. This notice shall become effective one year after date of receipt thereof, and shall be effective only for the Government denouncing.

B) The depository government shall notify all the governments of the States of the Americas of the denunciations received.

ARTICLE 28. LANGUAGES

The present Convention has been drafted in Spanish, English, Portuguese and French, all of which shall be authentic.

ARTICLE 29. SPECIAL AGREEMENTS

The contracting governments reserve for themselves the right to make special or regional agreements which do not concern the governments in general. These agreements, however, must be within the limits of this Convention and the Regulations annexed thereto so far as concerns the interference which may result from such agreements with the services of the other countries.

ARTICLE 30. CODIFICATION

At future conferences all provisions of this Convention remaining unchanged shall be included with the new provisions that may be adopted.

ARTICLE 31. ARBITRATION

A) In case of disagreement between two or more contracting governments concerning the execution of the present Convention, the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of one of the governments in disagreement.

B) Unless the parties in disagreement agree to adopt a procedure already established by bilateral or multilateral treaties concluded among them for the settlement of international disputes or the procedure provided for in Paragraph G of this article, arbitrators shall be appointed in the following manner:

C) (1) The parties shall decide, by mutual agreement, whether the arbitration is to be entrusted to individuals or to governments; failing an agreement on this matter, governments shall be resorted to.

(2) In case the arbitration is to be entrusted to individuals the arbitrators must not be of the same nationality as any one of the parties concerned in the dispute.

(3) In case the arbitration is to be entrusted to governments, the latter must be chosen from among the parties adhering to the agreement, the application of which caused the dispute.

D) The party appealing to arbitration shall be considered as the plaintiff. This party shall designate an arbitrator and notify the opposing party thereof. The defendant must then appoint a second arbitrator, within two months after the receipt of plaintiff's notification.

E) If more than two parties are involved, each group of plaintiffs or of defendants shall appoint an arbitrator, observing the same procedure as in Paragraph (D).

F) The two arbitrators thus appointed shall agree in designating an umpire who, if the arbitrators are individuals and not governments, must not be of the same nationality as either of them or either of the parties involved. Failing an agreement of the arbitrators as to the choice of the umpire, each arbitrator shall propose an umpire in no way concerned in the dispute.

Lots shall then be drawn between the umpires proposed. The representative of an American government, not interested in the dispute, selected by the two arbitrators, will draw the lots.

G) Finally, the parties in dispute shall have the right to have their disagreement settled by a single arbitrator. In this case, either they shall agree on the choice of the arbitrator, or the latter shall be designated in conformity with the method indicated in Paragraph (F).

H) The arbitrators shall be free to decide on the procedure to be followed.

I) Each party shall bear the expenses it shall have incurred in the investigation of the dispute. The cost of the arbitration shall be apportioned equally among the parties involved.

In witness whereof, the respective delegates have signed copies of this instrument, one each in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting Governments.

Done in the city of Havana, Republic of Cuba, on the 13th. day of December, 1937.

Reservations of Brazil

The Government of the United States of Brazil has authorized the Chief of its Delegation to the First Inter-American Radio Conference to sign "ad-referendum" the International Agreements just adopted by the Conference, under the reservation that the Government of Brazil will only ratify same, in case their provisions are not in conflict with the South American Agreement of Rio Janeiro and its Internal Regulations, nor with any other International Commitments already entered into by the Brazilian Government.

HAVANA, *December 13th, 1937.*

Brazil:

The Brazilian Delegate signs "Ad-Referendum" with the reservations as stated above.

JOSÉ ROBERTO DE MACEDO-SOARES

Canada:

LAURENT BEAUDRY
C. P. EDWARDS

Colombia:

JORGE SOTO DEL CORRAL
RICARDO GUTIÉRREZ LEE Y RIVERO

Cuba:

WIFREDO ALBANÉS Y PEÑA
ANDRÉS ASENSIO Y CARRASCO
NICOLÁS GONZÁLEZ DE MENDOZA Y
DE LA TORRE
ALFONSO HERNÁNDEZ CATÁ Y GALT

Chile:

EMILIO EDWARDS BELLO

Dominican Republic:

ROBERTO DESPRADEL
MÁXIMO LOVATÓN P.

United States of America:

T. A. M. CRAVEN

Guatemala:

ARTURO CÓBAR L.

Haiti:

JUSTIN BARAU

Mexico:

IGNACIO GALINDO
SALVADOR TAYABAS
FERNANDO SÁNCHEZ AYALA
RUBÉN FUENTES

Nicaragua:

GUILLERMO ARGUEDAS

Panama:

ERNESTO B. FÁBREGA

Peru:

CARLOS A. TUDELA

Uruguay:

CÉSAR GORRI

Venezuela:

ALBERTO SMITH

ANNEX 1

To the Inter-American Radiocommunications Convention Signed in Havana,
on December 13, 1937

INTERNAL REGULATIONS OF THE INTER-AMERICAN CONFERENCES

INDEX

- CHAPTER I. DEFINITIONS
 - Art. 1. American Governments, Delegates, Representatives
- CHAPTER II. ORGANIZATION OF THE CONFERENCE
 - Art. 2. Officers of the Conference
 - Art. 3. Duties of the officers
 - Art. 4. Committees
 - Art. 5. Membership of Committees
 - Art. 6. Organization of Committees
 - Art. 7. Duties of Committees
- CHAPTER III. OFFICIAL LANGUAGES
 - Art. 8. Spanish, English, Portuguese, French
- CHAPTER IV. QUORUM AND VOTING
 - Art. 9. Quorum
 - Art. 10. Voting
- CHAPTER V. PROCEDURE
 - Art. 11. Plenary Sessions
 - Art. 12. Committee meetings
- CHAPTER VI. NEW MATTER
 - Art. 13. Rules of procedure

Chapter I

DEFINITIONS

ARTICLE 1. AMERICAN GOVERNMENTS, DELEGATES, AND REPRESENTATIVES

When in the Inter-American Convention concerning Radiocommunications, of which these Regulations form a part, the words American Governments, Delegates, and Representatives are mentioned, they shall be understood to mean:

A) *American Governments*: the Governments of the States of the American Continent;

B) *Delegates*: the persons officially appointed by the participating Governments with sufficient powers to act on their behalf;

C) *Representatives*: Members of public or private institutions or bodies, or private individuals, of recognized interest in radiocommunications, who are accredited by a Government to observe the proceedings of the conference; who shall have neither voice nor vote, and who may express their points of view only through the delegation of their respective country.

However, representatives shall have voice, in technical matters, in the committees when expressly authorized to do so by their delegation.

Chapter II

ORGANIZATION OF THE CONFERENCE

ARTICLE 2. OFFICERS OF THE CONFERENCE

A) *Provisional President*: The organizing Government will appoint the Provisional President who will preside over the inaugural session and continue in office until the Conference has elected its Permanent President.

B) *Permanent President*: The Permanent President shall be elected by a majority vote of the Delegations present at the Conference.

C) *Vice-President*: Lots shall be drawn at the first session to establish the order of precedence of the Delegations; and the Chairmen of the Delegations shall be Vice-Presidents in this order and act as President in his absence.

D) *Secretary General*: The Secretary General of the Conference will be appointed by the organizing Government.

ARTICLE 3. DUTIES OF THE OFFICERS

A) *President*: The President shall direct the work of the Conference, announce the opening, suspension and adjournment of the meetings of the Conference, accord the right to speak in the order requested, declare the debates to be closed, put the questions to vote, announce the result of the voting, and ensure the observance of the Regulations.

B) *Vice-President*: In the absence of the President the Vice-Presidents in the order of precedence established in article 2, paragraph C, will assume and exercise his duties.

C) *Secretary General*: The Secretary General is responsible for:

1. The organization, direction and coordination of the work of the staff appointed to the Secretariat;

2. Receiving and disposing of the official correspondence of the Conference;

3. Acting as intermediary between the delegations and the organizing Government in all matters relating to the conference;

4. Preparation and circulation of minutes of the meetings and information and documents of the conference and, in accordance with instructions of the President, orders of the day.

D) *Secretariat*: The organizing Government shall form the Secretariat staff of the Conference under the direction of the Secretary General.

ARTICLE 4. COMMITTEES

For the more effective functioning of the Conference, comprehensive study of the subjects forming the agenda and expedition of its work, committees shall be formed, the results of whose labors shall be submitted to the plenary sessions for approval. While the committees to be established may vary to conform to the agenda of the conferences, the following shall represent, in principle, the type of committees to be established:

- (A) Committee on Initiatives;
- (B) Credentials Committee;
- (C) Technical Committee;
- (D) Judicial and Administrative Committee;
- (E) Drafting Committee.

ARTICLE 5. MEMBERSHIP OF COMMITTEES

A) The Committee on Initiatives shall be composed of the Chairmen of the Delegations or their alternates, and shall be presided over by the President of the Conference.

B) At the first plenary session the Conference, on the proposal of the President, shall appoint a Committee on Credentials of five members.

C) The remaining committees shall be composed of delegates in accordance with assignments made by the chairmen of the respective delegations and submitted to the permanent president. Representatives may attend and participate in the meetings of the committees in accordance with assignments made by their respective delegation chairmen and in conformity with article 1-(C).

D) The committees may invite to participate in their work individuals or juridical persons whose advice or statements may be considered to be of value.

ARTICLE 6. ORGANIZATION OF COMMITTEES

A) Each committee shall, at its organization meeting, be presided over by the permanent president of the conference and at that meeting shall choose from among its members a chairman and a vice-chairman.

B) The chairman of each committee may appoint one or more reporters.

C) Each committee may appoint such special subcommittees as it may deem desirable.

ARTICLE 7. DUTIES OF COMMITTEES

A) *The Committee on Initiatives* shall coordinate the business of the conference, rule upon questions of policy as related to the conference, resolve matters referred to it by other committees or the secretariat, decide by two thirds majority of the votes cast on new matters presented by the delegations, which should be considered by the conference, and advise the permanent president particularly with respect to matters not comprehended by these internal regulations.

B) *The Credentials Committee* shall examine the credentials submitted by members of delegations, ascertain that they are in good and proper form and report without delay to the conference.

C) *The Technical Committee* shall have charge of the study of all technical phases of radiocommunication and all matters involving engineering practices included in conference agenda.

D) *The Juridical and Administrative Committee* shall have charge of the study of all legal phases of the agenda subjects as well as of all matters of an essentially administrative character. In its legal character it shall pass upon the final terminology to be used in all agreements or resolutions pertaining, not only to matters within its immediate jurisdiction, but to all material emanating from other committees of the conference.

E) *The Drafting Committee* shall be entrusted with the final drafting of conference agreements and resolutions, without altering their sense, for the purpose of ensuring against duplication or repetition in which event the material shall be referred to the committee of origin for correction.

F) The reporters of the committees shall:

(a) Open the discussion of the questions under consideration and submit reports containing the facts and an analysis of the various aspects of the questions; those reports shall serve as the basis for discussion,

(b) At the end of the discussions make summaries of the debates in a report, and draft, in accordance with the opinion of the majority of each committee, the projects which, upon approval by the committee, will be submitted to the conference,

(c) The minority in any committee shall have the right to appoint a reporter who shall submit to the conference the opinions of the minority and the projects drafted by the latter.

Chapter III

OFFICIAL LANGUAGES

ARTICLE 8. SPANISH, ENGLISH, PORTUGUESE, FRENCH

The official languages of the conferences shall be Spanish, English, Portuguese and French. The organizing Government shall take appropriate measures to insure fulfillment of this provision.

Chapter IV

QUORUM AND VOTING

ARTICLE 9. QUORUM

A majority of the delegations of the Conference must be in attendance, represented by one or more of their Delegates, in order to have a quorum at the plenary sessions of the conference.

A majority of the Delegations must be in attendance, represented by some of their delegates in order to have a quorum at committee meetings.

ARTICLE 10. VOTING

A) Voting shall be on the basis of only one vote for each State having the following qualifications:

- I a permanent population;
- II a defined territory;
- III government;
- IV capacity to enter into relations with other States.

Countries or territories not possessing these qualifications may have voice but not vote in the conferences, but agreements resulting from the conferences

shall be opened for their adherence through the medium of their respective home governments.

B) The vote of each delegation shall, in plenary sessions and committee meetings, be cast by the delegation chairman or other member acting in his behalf.

C) The vote may be taken by delegates rising in their seats, or in any other agreed manner. But at the request of any delegation, or by decision of the chairman, the vote must take place by "calling the roll" in the alphabetical order of the names of their respective states as expressed in the Spanish language.

D) Propositions and amendments will be adopted only when they obtain a majority of the votes cast. In case of a tie vote, they will be considered rejected.

Chapter V

PROCEDURE

ARTICLE 11. PLENARY SESSIONS

A) The inaugural session of the conference shall be held at the time and place designated by the organizing government, and the further sessions on such days as the Conference may determine.

B) Upon the convening of a plenary session, the minutes of the preceding meeting, except in the case of the inaugural plenary session, will be read and submitted for approval, unless by unanimous consent the assembly of the delegations agrees to omit this reading.

C) The minutes of the Plenary Sessions will be drafted by the staff of the General Secretariat, only the opinions and propositions with their fundamentals, in a brief form, will appear in the minutes, together with a brief statement of the debates.

Any Delegate may, however, request the insertion "in extenso" in the minutes of any declaration he has expressed; but in this case, he shall furnish the Secretariat with the corresponding text immediately after the closing of the Plenary Session.

D) The delegates may submit to the conference their opinions in writing on matters under discussion, and request that they be added to the minutes of the session or meeting at which they are submitted.

E) The Plenary sessions of the conference shall be of a public character. On motion of any delegate the sessions may be declared private by a majority vote. Such motion shall have precedence and is not debatable.

F) By a vote of two thirds of the delegations present the conference may dispense with the usual procedure and proceed to consider a question except in the case of new matter, when the rules of procedure promulgated in article 13 shall, under all circumstances, be observed.

G) Amendments shall be submitted for discussion and be voted upon before the motion which they purport to amend.

H) The minutes of plenary sessions shall be signed by the President and Secretary General.

I) At the closing plenary session the agreements and resolutions adopted by the different committees of the Conference shall be signed and the country and date of the next conference shall be designated.

ARTICLE 12. COMMITTEE MEETINGS

A) The procedure for Plenary Sessions shall also be followed in the committee meetings as far as practicable.

B) Minutes of the committee meetings shall be signed by the Chairman and Secretary.

Chapter VI

NEW MATTER

ARTICLE 13. RULES OF PROCEDURE

If any delegation should propose a topic not included in the agenda, for the consideration of the conference, the new matter should be referred to the Committee on Initiatives and after a report is submitted and accepted by a vote of two thirds of the delegations at the Conference, it shall be referred to the appropriate committee.

ANNEX 2

Inter-American Radiocommunications Convention Signed at Havana on
December 13, 1937

INTERNAL REGULATIONS FOR THE INTER-AMERICAN RADIO OFFICE (O. I. R.)

INDEX

- Art. 1. Administration
- Art. 2. First Director
- Art. 3. Appointment of Staff
- Art. 4. Budget
- Art. 5. Salaries of the Staff
- Art. 6. Accounts
- Art. 7. Contributions to O. I. R.

ARTICLE 1. ADMINISTRATION

The Inter-American Radio Office shall be in charge of a Director who shall be appointed by the Inter-American Radio Conference on the recommendation of a special committee thereof.

ARTICLE 2. FIRST DIRECTOR

The first Director shall be appointed by the Government of Cuba.

ARTICLE 3. APPOINTMENT OF STAFF

The Director shall appoint such competent assistants and staff, including interpreters and translators, as may be required for the work of the office.

ARTICLE 4. BUDGET

The Director shall submit annually to the government of the country where the office is established a draft budget of revenues and expenditures for the ensuing year. When the budget has been approved by the aforesaid government it shall be communicated to the other participating governments with a statement of the amount that each is to pay, pursuant to the quota established in Article 7.

ARTICLE 5. SALARIES OF THE STAFF

The salaries of the personnel of the office shall not exceed two thirds of the annual budget.

ARTICLE 6. ACCOUNTS

The Director shall be charged with the collection and disbursement of the funds of the office. He shall submit to the government where the office is established a monthly report of receipts and expenditures and a semi-annual report on the general accounts of the administration. After examining the latter the said government shall submit them to the ensuing Conference for consideration.

ARTICLE 7. CONTRIBUTIONS TO O. I. R.

In accordance with Article 8(B) of the Convention the contribution of the States of the American continent will be assigned under the following categories:

Category	I	II	III	IV	V	VI
Units	25	20	15	10	5	3
States	Argentina Canada United States of America		Brazil Mexico	Cuba	Colombia Chile Perú Venezuela	Bolivia Costa Rica Dominican Rep. Ecuador Guatemala Haití Honduras Nicaragua Panama Paraguay Salvador Uruguay

ANNEX 3

To the Inter-American Radiocommunications Convention Signed in Havana
on December 13, 1937

DEFINITION OF ZONES

For the purpose of Article 11, paragraph D, of the Inter-American Radiocommunications Convention, it shall be understood that:

Northern Zone, is that which comprises the countries located to the North of Guatemala and North of the Southern coast of the Dominican Republic and Haiti;

Central Zone, is that which comprises the countries or portions of countries located South of Mexico and the Southern coast of the Dominican Republic and Haiti and extending to parallel 5° of South latitude;

Southern Zone, is that which comprises the countries or portions of countries to the South of parallel 5°. of the South latitude.

TELECOMMUNICATION: INTER-AMERICAN RADIOCOMMUNICATIONS (ARRANGEMENT)

*Arrangement signed at Havana December 13, 1937, with annex
Notification of approval by the United States communicated to the
Government of Cuba July 18, 1938*

Entered into force July 1, 1938; for the United States July 18, 1938

Modified by Cairo, 1938, revision ¹

*Replaced by agreement of January 26, 1940,² as between contracting
parties to the later agreement*

54 Stat. 2514; Executive Agreement Series 200

INTER-AMERICAN ARRANGEMENT CONCERNING RADIOCOMMUNICATIONS

SECTION 1. INTRODUCTION

The delegates of the American Governments listed below; assembled in conference in Habana, Republic of Cuba, from November 1 to December 13th, 1937, hereby make the following Administrative Arrangement, which shall become effective on July 1, 1938 in those countries where it shall have been approved by the respective Governments, which approval shall be communicated to the Department of State of the Government of Cuba.

Countries

Argentine Republic	Guatemala
Brazil	Haiti
Canada	Mexico
Colombia	Nicaragua
Cuba	Panama
Chile	Peru
Dominican Republic	Uruguay
United States of America	Venezuela

If any state desires to terminate this arrangement in whole or in part, it may do so by written notice to the Government of Cuba, giving the reasons therefor, one year prior to the date on which it desires to effect this termination. The Government of Cuba shall communicate such notification to the other States concerned.

¹ 54 Stat. 1417; TS 948.

² 55 Stat. 1482; EAS 231.

SECTION 2. TABLES OF ALLOCATION

TABLE I

FREQUENCY ALLOCATION FOR VARIOUS SERVICES IN THE AMERICAN CONTINENT 10-550 Kc/s.

10-100	Fixed.
100-110	(a) Fixed. (b) Mobile.
110-125	Mobile.
125-150	Maritime mobile (open to public correspondence exclusively).
150-160	Mobile.
160-200	(a) Fixed. (b) Mobile. (c) Aeronautical.
200-285	Aeronautical and mobile excepting commercial ship stations.
285-315	Radio beacon, Maritime priority.
315-320	Aeronautical.
320-325	(a) Aeronautical. (b) Mobile not open to public correspondence.
325-345	Aeronautical.
345-365	(a) Aeronautical. (b) Mobile not open to public correspondence.
365-385	(a) Radio direction finding. (b) Mobile, provided it does not interfere with the radio direction finding. Coast station using B waves excluded.
385-400	Mobile and aeronautical, Maritime priority, it being understood that the priority refers to existing services.
400-460	Mobile.
460-485	Mobile A-1 and A-2 only.
485-515	Mobile (distress, calling, etc.).
515-550	Services not open to public correspondence A-1 and A-2 only.

Note:

1. The band of frequencies between 200 and 400 Kc/s. is reserved in the Americas for aids to air navigation and for the transmission of weather and other safety information to aircraft in flight, subject only to existing priorities of marine services within this band.

2. When due to adverse atmospheric conditions or other technical reasons it is not possible to employ frequencies between 200 and 400 Kc/s. for the services above mentioned, other suitable frequencies may be utilized provided that all the countries of America are advised of the frequencies selected.

TABLE II

ALLOCATION OF FREQUENCIES 550-1600 Kc/s.

550-1600 Kc/s Broadcasting

TABLE III

GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES 1600-4000 Kc/s

Frequency	North American Zone	Central Zone	South American Zone
1600-1750	Fixed and Mobile. (Primarily police)	Fixed and Mobile including Aviation.	Fixed and Mobile including Aviation.
1750-2050	Amateur.	Amateur.	Amateur.
2050-2100	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
2100-2200	Mobile (Primarily Ship Stations).	Mobile (Primarily Ship Stations).	Mobile (Primarily Ship Stations).
2200-2300	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
2300-2395	Mobile (Primarily Police)	Mobile (Primarily Police). (1)	Mobile and Broadcasting.
2395-2400	General Experimental.	General Experimental.	Mobile and Broadcasting.
2400-2500	Mobile (Primarily Police)	Mobile (Primarily Police)	Mobile and Broadcasting.
2500-2600	Mobile (Primarily Coast Stations)	Mobile (Primarily Coast Stations)	Mobile (Primarily Coast Stations)
2600-2735	Aeronautical and Mobile.	Aeronautical and Mobile.	Aeronautical and Mobile.
2735-2740	Mobile (Primarily Inter-ship. Assignable frequency 2738 Kc/s).	Mobile (Primarily Inter-ship. Assignable frequency 2738 Kc/s).	Mobile (Primarily Inter-ship. Assignable frequency 2738 Kc/s).
2740-2850	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
2850-3000	Aeronautical and Mobile.	Aeronautical and Mobile.	Aeronautical and Mobile.
3000-3065	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
3065-3100	Aeronautical.	Aeronautical.	Aeronautical.
3100-3110	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s)	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s)	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s)
3110-3150	Mobile	Mobile	Mobile
3150-3265	Fixed and Mobile (Primarily Aeronautical).	Fixed and Mobile (Primarily Aeronautical).	Fixed and Mobile (Primarily Aeronautical).
3265-3320	Fixed	Fixed	Fixed
3320-3440	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
3440-3485	Fixed and Mobile (Primarily Aeronautical)	Fixed and Mobile (Primarily Aeronautical)	Fixed and Mobile (Primarily Aeronautical).
3485-3500	General Experimental.	General Experimental.	General Experimental.
3500-4000	Amateur.	Amateur.	Amateur.

NOTE:

(1) The countries in the central zone situated to the north of Colombia shall be permitted to set aside the frequency band of 2300 to 2350 Kc/s. for broadcasting service in each of these countries, pursuant to an agreement whereby they are to use not more than two frequencies per country within this band separated from one another with proper power and directional antennae limitations. The use of such frequencies by these countries must not cause interference to other services in the Northern and Southern zones using such frequencies at the present time.

TABLE IV ³

GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES 4000–25000 Kc/s.

(See special note below)

Frequency (Kc/s)	Service
4000– 5500	Fixed and Mobile (1)
5500– 5570	Maritime Mobile
5570– 5700	Aeronautical
5700– 5900	Fixed
5900– 6000	Fixed (2)
6000– 6150	Broadcasting (3)
6150– 6675	Mobile (International air calling frequency 6210 Kc/s)
6675– 7000	Fixed
7000– 7300	Amateur
7300– 8200	Fixed
8200– 8550	Mobile
8550– 8900	Fixed and Mobile
8900– 9500	Fixed
9500– 9600	Broadcasting (3)
9600– 9700	Fixed (2)
9700–11000	Fixed
11000–11400	Mobile
11400–11700	Fixed
11700–11900	Broadcasting (3)
11900–12300	Fixed
12300–12825	Mobile
12825–13350	Fixed and Mobile
13350–14000	Fixed
14000–14400	Amateur
14400–15100	Fixed
15100–15350	Broadcasting (3)
15350–16400	Fixed
16400–17100	Mobile
17100–17750	Fixed and Mobile
17750–17800	Broadcasting (3)
17800–21450	Fixed
21450–21550	Broadcasting (3)
21550–22300	Mobile
22300–24600	Fixed and Mobile
24600–25000	Mobile

NOTES

(1) 4500–5200 Kc/s.

The high contracting parties each agree to make a special study of this band of frequencies with a view to solving the problem of national broadcasting in those countries within the central zone located to the south of Panama.

This study should be presented to the Cairo Conference for consideration and should be accompanied by pertinent recommendations based on the following considerations:

a. The use of directional antennas by broadcasting stations to avoid interference to services carried on in other regions.

b. Determination of the maximum night power for broadcasting stations within this band of frequencies.

c. The maximum total width of the broadcast band within the frequency range 4500–5200 Kc/s. should be not greater than 300 Kc/s.

³ Modified by Cairo, 1938, revision (54 Stat. 1417; TS 948).

(2) 5900-6000 and 9600-9700 Kc/s.

The proposals of Brazil to assign the frequency bands 5900 to 6000 Kc/s. and 9600 to 9700 kc/s. to broadcasting shall be studied prior to the Cairo Conference in accordance with Note 3 below.

(3) 6000-25000 Kc/s.

In considering the needs of the broadcasting service in the frequency band 6000-25000 Kc/s. the Inter-American Radio Conference agrees to apply the following principles in the study of this problem and to make recommendations based thereon to the Cairo Radio Conference:

1. Strict adherence to the provisions of paragraph 19, Article 7, of the General Radio Regulations annexed to the Madrid Telecommunication Convention, 1932, which states as follows:

"It is recognized that the frequencies between 6000 and 30000 Kc/s (50 and 10 m) are very efficient for long-distance communications. The administrations shall make the greatest possible effort to reserve the frequencies of this band for this purpose, except when their use for short- or medium-distance communication is not likely to interfere with long-distance communications".

2. Broadcast channels shall be assigned primarily for international long-distance communications and secondarily for long-distance national services, particularly between points not served by wire lines. In every case the frequency should be optimum for the distance involved.

3. Stations operating within the present allocated broadcast bands, and in derogation thereof, for the purpose of rendering local service, should be moved to lower frequency standard broadcast bands below 6000 Kc/s.

4. It would be unwise to extend the present high frequency broadcast bands until positive assurance is given by all nations that there will be strict adherence to any table of allocation of frequencies to services that may be adopted at the Cairo radio conference. In this connection attention is invited to the fact that an examination of the records discloses that frequencies throughout the high frequency radio spectrum are being used by many broadcast, telephone and telegraph stations in derogation of the provisions of the Madrid Radio Regulations.

5. Following good engineering practice in rendering good broadcast service, it is agreed that:

(a) Not less than 5 kw power shall be used for international broadcast service.

(b) Directional antennas shall be used wherever practicable to provide good service to specified countries or regions depending upon the time of day, the listening hours of the receiving public, the particular frequency in use, etcetera.

(c) Bands shall be subdivided so as to give priority to different classes of broadcasting stations, depending upon the adequacy of power and quality of emissions from the standpoint of good engineering practice.

6. The shared use, on an engineering basis, of high frequency broadcast channels between countries throughout the world promises some relief in the present high frequency broadcast bands.

7. Existing services operating within the present authorized bands shall not be displaced therefrom unless suitable replacement frequencies are provided; therefore, it is important that the recommendations to Cairo contain specific recommendations on this subject.

8. In view of their dependence upon radio as a means for carrying on communication and for the protection of life and property, mobile services shall be given first consideration in any alteration of the present authorized bands.

9. Recommendations for additional broadcast frequencies which may be found necessary shall be based upon extensions of the present broadcast bands rather than upon the creation of any new bands.

Special Note

The action taken at Cairo with respect to the recommendations to be submitted in compliance with notes (1), (2) and (3) shall automatically modify the allocation to services in Table IV above.

TABLE V

GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES 25.000-30.000 Kc/s.

25,000-25,600	Broadcasting ¹
25,600-26,600	Broadcasting
26,600-27,000	Broadcasting ¹
27,000-28,000	(a) Fixed
	(b) Mobile ¹
28,000-30,000	Amateur

¹ Available for this service under the provisions of Article 7, Paragraph 1 of the General Radio Regulations Annexed to the International Telecommunication Convention, Madrid, 1932, provided no interference is caused to the international service to which this band of frequencies is allocated under the Madrid Radio Regulations.

TABLE VI

FREQUENCIES BETWEEN 30,000 AND 300,000 Kc/s.

This table is accepted as a guide to planning, research, and the experimental use of frequencies.

Each country shall, when interference might develop between countries or when agreement is desirable between countries, notify the other American countries concerned of the contemplated location, power, frequency and type of service of any station or stations to be operated in the band of frequencies higher than 30 mc to the end that mutual agreement and development may be realized.

Frequency	North American Zone	Central Zone	South American Zone
30,000-41,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
41,000-44,000	Broadcasting	Broadcasting	Broadcasting
44,000-56,000	Television	Television	Television
56,000-60,000	Amateur	Amateur	Amateur
60,000-66,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
66,000-72,000	Television	Television	Television
72,000-78,000	Fixed and Mobile (Aviation Marker beacons)	Fixed and Mobile (Aviation Marker beacons)	Fixed and Mobile (Aviation Marker beacons)
78,000-90,000	Television	Television	Television
90,000-96,000	Fixed and Mobile (Including Aviation Blind Landing Sys- tems)	Fixed and Mobile (Including Aviation Blind Landing Sys- tems)	Fixed and Mobile (Including Aviation Blind Landing Sys- tems)
96,000-108,000	Television	Television	Television
108,000-112,000	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons)	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons)	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons)
112,000-118,000	Amateur	Amateur	Amateur
118,000-123,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
123,000-126,000	Aeronautical Radio Range Beacons	Aeronautical Radio Range Beacons	Aeronautical Radio Range Beacons
126,000-132,000	Aeronautical (Airport Traffic Control)	Aeronautical (Airport Traffic Control)	Aeronautical (Airport Traffic Control)
132,000-156,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
156,000-168,000	Broadcasting (Telc- vision)	Broadcasting (Telc- vision)	Broadcasting (Tele- vision)
168,000-180,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
180,000-192,000	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)

TABLE VI—Continued
FREQUENCIES BETWEEN 30,000 AND 300,000 Kc/s—Continued

Frequency	North American Zone	Central Zone	South American Zone
192,000-204,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
204,000-216,000	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)
216,000-224,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
224,000-230,000	Amateur	Amateur	Amateur
230,000-234,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
234,000-246,000	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)
246,000-258,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
258,000-270,000	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)
270,000-282,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
282,000-294,000	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)	Broadcasting (Tele- vision)
294,000-300,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile

SECTION 3. ASSIGNABLE FREQUENCIES BASED ON RADIOTELEGRAPH EMISSIONS

In general, in the frequency range 1600-4000 Kc/s, the frequencies assigned shall be integral multiples of 4 Kc/s from 1600 to 3000 Kc/s and integral multiples of 5 Kc/s from 3000 to 4000 Kc/s. Communication channels wider than 4 Kc/s or 5 Kc/s may be assigned where the authorized band width of the emission requires the use of such wider channels. For example, two adjoining telegraph channels may be assigned for telephony, in which case the frequency assigned to a station should be the mid-frequency of such channels. The frequencies to be assigned to stations are given in the Table below. Departure from these assignments may be made in order to make more efficient use of the frequency space available.

The following Table indicates the assignments frequencies.

1600	1684	1768	1852	1936	2020
1604	1688	1772	1856	1940	2024
1608	1692	1776	1860	1944	2028
1612	1696	1780	1864	1948	2032
1616	1700	1784	1868	1952	2036
1620	1704	1788	1872	1956	2040
1624	1708	1792	1876	1960	2044
1628	1712	1796	1880	1964	2048
1632	1716	1800	1884	1968	2052
1636	1720	1804	1888	1972	2056
1640	1724	1808	1892	1976	2060
1644	1728	1812	1896	1980	2064
1648	1732	1816	1900	1984	2068
1652	1736	1820	1904	1988	2072
1656	1740	1824	1908	1992	2076
1660	1744	1828	1912	1996	2080
1664	1748	1832	1916	2000	2084
1668	1752	1836	1920	2004	2088
1672	1756	1840	1924	2008	2092
1676	1760	1844	1928	2012	2096
1680	1764	1848	1932	2016	2100

2104	2324	2544	2764	2984	3255
2108	2328	2548	2768	2988	3260
2112	2332	2552	2772	2992	3265
2116	2336	2556	2776	2996	3270
2120	2340	2560	2780	3000	3275
2124	2344	2564	2784	3005	3280
2128	2348	2568	2788	3010	3285
2132	2352	2572	2792	3015	3290
2136	2356	2576	2796	3020	3295
2140	2360	2580	2800	3025	3300
2144	2364	2584	2804	3030	3305
2148	2368	2588	2808	3035	3310
2152	2372	2592	2812	3040	3315
2156	2376	2596	2816	3045	3320
2160	2380	2600	2820	3050	3325
2164	2384	2604	2824	3055	3330
2168	2388	2608	2828	3060	3335
2172	2392	2612	2832	3065	3340
2176	2396	2616	2836	3070	3345
2180	2400	2620	2840	3075	3350
2184	2404	2624	2844	3080	3355
2188	2408	2628	2848	3085	3360
2192	2412	2632	2852	3090	3365
2196	2416	2636	2856	3095	3370
2200	2420	2640	2860	3100	3375
2204	2424	2644	2864	3105	3380
2208	2428	2648	2868	3110	3385
2212	2432	2652	2872	3115	3390
2216	2436	2656	2876	3120	3395
2220	2440	2660	2880	3125	3400
2224	2444	2664	2884	3130	3405
2228	2448	2668	2888	3135	3410
2232	2452	2672	2892	3140	3415
2236	2456	2676	2896	3145	3420
2240	2460	2680	2900	3150	3425
2244	2464	2684	2904	3155	3430
2248	2468	2688	2908	3160	3435
2252	2472	2692	2912	3165	3440
2256	2476	2696	2916	3170	3445
2260	2480	2700	2920	3175	3450
2264	2484	2704	2924	3180	3455
2268	2488	2708	2928	3185	3460
2272	2492	2712	2932	3190	3465
2276	2496	2716	2936	3195	3470
2280	2500	2720	2940	3200	3475
2284	2504	2724	2944	3205	3480
2288	2508	2728	2948	3210	3485
2292	2512	2732	2952	3215	3490
2296	2516	2736	2956	3220	3495
2300	2520	2740	2960	3225	3500
2304	2524	2744	2964	3230	to
2308	2528	2748	2968	3235	4000
2312	2532	2752	2972	3240	Amateur
2316	2536	2756	2976	3245	
2320	2540	2760	2980	3250	

SECTION 4. TOLERANCES AND SPURIOUS EMISSIONS

I

TABLE OF FREQUENCY TOLERANCES AND OF INSTABILITIES

The Inter-American Radio Conference,
Considering:

- a) that technical progress since the preparation of the Table given in Appendix 1 of the Madrid General Radio Regulations permits an appreciable reduction of the figures therein given for tolerances and instabilities;
- b) that, although the tolerances and instabilities applicable according to the Madrid General Regulations should continue to be applied for present transmitters, transmitters constructed after the date given in the Table below should be held to more severe requirements;
- c) that it is desirable to have supplementary data for the tolerances and instabilities that can be applied in current practice, particularly on frequencies higher than 23000 Kc/s., which may become the subject of international regulations;

Agrees to accept:

- (1) that technical progress in the matter of frequency stabilization is such that all stations may keep themselves within the limits of tolerance and instabilities specified in the Table below and assist in reducing interference caused by frequency variations;
- (2) that the Table below should be substituted for that given in Appendix 1 of the Madrid General Regulations;
- (3) that the question of improving tolerance and stability conditions should be kept on the Agenda and extended to higher frequencies than those appearing in the following table within the limits of regulations to be adopted by the Cairo Conference;

REVISED TABLE OF FREQUENCY TOLERANCE AND INSTABILITIES

- (1) frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the real transmission frequency.
- (2) this separation results from the combination of three errors;
 - (a) error of the radio frequency meter or of the frequency indicator used;
 - (b) error made during the adjustment of the transmitter;
 - (c) slow variations of the transmitter frequency.
- (3) in frequency tolerance no account is taken of modulation.
- (4) frequency instability is the maximum permissible separation resulting only from the error contemplated in (c) above.

TABLE OF FREQUENCY TOLERANCES AND INSTABILITIES ⁴

Frequency bands	Tolerances		Instabilities	
	Transmitters now in service and until January 1, 1942, after which they shall comply with tolerances in columns 2 and 4, respectively	New transmitters installed from Jan. 1/39	Transmitters now in service and until January 1, 1942, after which they shall comply with tolerance in columns 2 and 4, respectively	New transmitters installed from Jan. 1/39
A. From 10 to 550 Kc.				
a) Fixed stations	0.1%	0.05%		
b) Land stations	0.1%	0.1%		
c) Mobile stations using indicated frequencies (1)	0.5%	0.1%		
d) Mobile stations using any frequency within the band			0.5%	0.1%
e) Broadcasting	50 cycles	20 cycles		
B. From 550 to 1600 kc/s.				
a) Broadcasting stations	50 cycles	20 cycles		
C. From 1600 to 6000 kc/s.				
a) Fixed stations	0.03%	0.01%		
b) Land stations	0.04%	0.02%		
c) Mobile stations using indicated frequencies				
I. 1500 to 3500 kc/s	0.1%	0.1%		
II. 3500 to 6000 kc/s	0.1%	0.05%		
d) Mobile stations using any frequency within the band				
I. 1500 to 3500 kc/s			0.1%	0.07%
II. 3500 to 6000 kc/s			0.1%	0.05%
D. From 6000 to 30000 kc/s.				
a) Fixed stations	0.02%	0.01%		
b) Land stations	0.04%	0.02%		
c) Mobile stations using indicated frequency	0.1%	0.05%		
d) Mobile stations using any frequency within the band			0.05%	0.02%
e) Broadcasting stations	0.01%	0.005%		

(1) It is recognized that there is in this service a great number of spark transmitters and simple auto-oscillator transmitters which cannot meet this requirement.

NOTES: 1. The administrations will endeavour to take advantage of the progress of the art in order gradually to reduce the frequency tolerances and limits of instabilities.

2. It is understood that ship stations operating within shared bands must conform to the tolerances applicable to land stations and should comply with article 7, Paragraph 117, of the Madrid General Radio Regulations.

3. The aforementioned material was approved in accordance with Bucharest C.C.I.R. Opinion No. 93 with modifications under headings in columns 1 and 3.

⁴ Modified by Cairo, 1938, revision (54 Stat. 1417; TS 948).

II

PREVENTION OF SPURIOUS RADIATION

The participating Governments agree to require stations under their jurisdiction to use transmitters which are as free as practicable from all spurious emissions.

These radiations should not be of sufficient intensity to cause interference on receiving sets of modern design which are tuned outside the frequency band of emission required for the type of emission employed. In the case of type A-3 emission (radiotelephony), the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur and in the case of amplitude modulation the operation percentage of modulation should not be less than 75 per cent on peaks of frequent recurrence. Adequate means should be employed to insure that the transmitter is not modulated in excess of its modulation capability.

A spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed including any harmonic modulation products, key clicks, parasitic oscillations or other transient effects.

SECTION 5. NON USE OF 333 Kc/s. AS AIR CALLING FREQUENCY

Referring to Article 7, Paragraph 11 of the Madrid Radiocommunications the frequency 333 kc/s. is not to be used as an international Air Calling frequency in the American Continent, except in special cases in connection with transatlantic flights.

SECTION 6. USE OF 500 Kc/s.

Referring to Article 19, Section I, Paragraph 6-a of the Madrid Radio Regulations, the entire American Continent, except for Hudson Bay and Regions North thereof, shall be considered a region of heavy traffic within the meaning of said Article, therefore, except for Hudson Bay and Regions North thereof, traffic on 500 kc/s. shall be limited to the transmission of distress traffic, urgent and safety messages, signals and single short radio telegrams.

SECTION 7. DEFINITIONS ⁵

DEFINITION OF TERMS

The definitions of terms which appear as numbers (1) to (42) inclusive of Section XII of Resolution No. 6 of the Final Act of the March 1937 Conference of Habana, are approved with the reservation that any changes which may result from the International Radio Conference of Cairo 1938, with respect to the wording of these definitions shall automatically supersede the present wording.

⁵ Modified by Cairo, 1938, revision (54 Stat. 1417; TS 948).

(1) TELECOMMUNICATION:

Any telegraph or telephone communication of signs, signals, writing, images and sounds of any nature, by wire, radio, or other systems or processes of electrical or visual (semaphore) signalling.

(2) RADIOCOMMUNICATION:

Any telecommunication by means of Hertzian waves.

(3) RADIOTELEGRAM:

Telegram originating in or destined to a mobile station, transmitted on all or part of its route over the radio channels of the mobile service.

(4) PUBLIC CORRESPONDENCE:

Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(5) PRIVATE OPERATING:

Any individual, company or corporation, other than a government institution or agency, which is recognized by the government concerned and which operates telecommunication installations for the purpose of exchanging public correspondence.

(6) ADMINISTRATION:

A government administration.

(7) INTERNATIONAL SERVICE:

A telecommunication service between offices or stations under the jurisdiction of different countries, or between stations of the mobile service, except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national telecommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as international service from the standpoint of interference.

(8) LIMITED SERVICE:

A service which can be used only by specified persons or for special purposes.

(9) MOBILE SERVICE:

A radiocommunication service carried on between mobile and land stations and by mobile stations communicating among themselves, special services being excluded.

(10) FIXED STATION:

A station not capable of being moved, and communicating by radio with one or more stations similarly established.

(11) LAND STATION:

A station not capable of being moved, carrying on a mobile service.

(12) COAST STATION:

A land station carrying on a service with ship stations. This may be fixed station used also for communication with ship stations; in this case, it shall be considered as a coast station only for the duration of its service with ship stations.

(13) AERONAUTICAL STATION:

A land station carrying on a service with aircraft stations. This may be a fixed station also for communication with aircraft stations; in this case, it shall be considered as an aeronautical station only for the duration of its service with aircraft stations.

(14) MOBILE STATION:

A station capable of being moved and which ordinarily does move.

(15) ON BOARD STATION:

A station on board either of a ship which is not permanently moored, or an aircraft.

(16) SHIP STATION:

A station on board a ship which is not permanently moored.

(17) AIRCRAFT STATION:

A station on board any aerial vehicle.

(18) RADIOBEACON STATION:

A special station the emissions of which are intended to enable an on-board station to determine its bearing or a direction with reference to the radiobeacon station, and in some cases also the distance which separates it from the latter.

(19) RADIODIRECTION-FINDING STATION:

A station equipped with special apparatus for determining the direction of the emissions of other stations.

(20) TELEPHONE BROADCASTING STATION:

A station carrying on a telephone broadcasting service.

(21) TELEVISION BROADCASTING STATION:

A station licensed for the transmission of transient visual images of moving or fixed objects, for simultaneous reception and reproduction.

(22) AMATEUR STATION:

A station used by an amateur, that is, by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(23) PRIVATE EXPERIMENTAL STATION:

A private station for experiments looking to the development of radio technique or science.

(24) PRIVATE RADIO STATION:

A private station, not open to public correspondence, which is authorized solely to exchange with other private radio stations communications concerning the private business of the license holder or holders.

(25) FREQUENCY ASSIGNED TO A STATION:

The frequency assigned to a station is the frequency occupying the center of the frequency band in which the station is authorized to work. In general this frequency is that of the carrier wave.

(26) FREQUENCY BAND OF AN EMISSION:

The frequency band of an emission is the frequency band actually occupied by the emission for the type of transmission and for the signaling speed used.

(27) FREQUENCY TOLERANCE:

The frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the actual frequency of emission.

(28) POWER OF A RADIO TRANSMITTER:

The power of a radio transmitter is the power supplied to the antenna.

In the case of a modulated-wave transmitter, the power in the antenna shall be represented by two numbers, one indicating the power of the carrier supplied to the antenna and the other the actual maximum rate of modulation used.

(29) AERONAUTICAL SERVICE:

A radio service carried on between aircraft stations and land stations, and by aircraft stations communicating among themselves. This term shall also apply to fixed and special radio services intended to insure the safety of aerial navigation.

(30) FIXED SERVICE:

A service carrying on radio communication of any kind between fixed points excluding broadcasting services and special services.

(31) SPECIAL SERVICE:

A telecommunication service carried on especially for the needs of a specific service of general interest and not open to public correspondence, such as: a service of radiobeacons, radio direction finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices, medical consultations, standard frequencies, emissions for scientific purposes, etc.

(32) TELEPHONE BROADCASTING SERVICE:

A service carrying on the broadcasting of radiotelephone emissions primarily intended to be received by the general public.

(33) VISUAL BROADCASTING SERVICE:

A service carrying on the broadcasting of visual images, either fixed or moving, intended to be received by the general public primarily.

(34) AMATEUR SERVICE:

A radio service carried on between amateur stations.

(35) AIR MOBILE SERVICE:

A radio service carried on between aircraft carriers and by aircraft stations communicating among themselves.

(36) GENERAL EXPERIMENTAL SERVICE:

A radio service carried on by experimental stations engaged in research or development in the radio art.

(37) POLICE SERVICE:

The radio service carried on by provincial, state, or municipal police authorities for emergency services principally with mobile police units.

(38) CHANNELS:

The term "channels" means the portion of the radio spectrum of a width sufficient to permit of its use by a radio station for communication purposes; it comprises the following three elements, all defined below:

- 1) the "frequency band of emissions".
- 2) twice the specified "frequency tolerance".
- 3) the "interference guard bands", if required.

(39) FREQUENCY BAND OF EMISSION:

The term frequency band of emission, means that the frequency band of an emission is the frequency band actually occupied by this emission for the type of transmission and for the signalling speed used.

(40) INTERFERENCE GUARD BANDS:

The term "interference guard bands" means the frequency bands additional, to the frequency band of emission and frequency tolerance, which may

be allowed in order that there shall be no interference between stations having adjacent frequency assignments. In general this provision is dependent upon receiver selectivity and transmitter characteristics.

(41) PRIMARILY:

The term "primarily" used in connection with certain bands in the allocation table of this agreement means that as duly authorized installations of the primary services are undertaken, they will have preference on the available channels in that particular band.

The assignment of channels to other services in the general allocation for each of these bands will be carried out in such a manner as to prevent undue interference with existing stations of the primary service.

(42) FACSIMILE BROADCAST STATION:

A station licensed to transmit images of still objects for record reception by the general public.

SECTION 8. AMATEURS

The following provisions concerning amateurs were unanimously agreed upon in addition to the allocation tables:

1. That the band from 1750 to 2050 kc. be allocated for A-1 and A-3 emissions.

2. That, after a study of the recommendations issued by the Radio Conference at Buenos Aires, (revised at Rio de Janeiro, 1937) *e*) and *f*) of Recommendation number 10, they have agreed to amend them, without altering the spirit thereof, substituting in their stead, the following:

e) That the Administrations should point out the convenience that amateurs use the bands from 1750 to 2050 and 3500 to 4000 Kc/s preferably for short distance communication.

f) That the Administrations recommend that the bands from 7000 to 7300 Kc/s and 14000 to 14400 Kc/s should not be used for short distance communications between amateur stations.

3. That frequencies included between 3500 to 4000, 7000 to 7300 and 14000 to 14400 be available for allocation in accordance with the following table:

3500 to	3800 Kc/s. for A-1 only.
3800 to	4000 Kc/s. for A-1 and A-3.
7000 to	7050 Kc/s. for A-1 only.
7050 to	7150 Kc/s. for A-1 and A-3.
	(A-3 for Latin-America only).
7150 to	7300 Kc/s. for A-1 only.
14000 to	14100 Kc/s. for A-1 only.
14100 to	14300 Kc/s. for A-1 and A-3.
14300 to	14400 Kc/s. for A-1 only.

Emission type A-1 may be used in the entire frequency band comprised between 14000 and 14400 Kc/s. The Latin-American countries, Canada and Newfoundland may use type A-3 in the frequencies com-

prised between 14100 and 14300 Kc/s. The United States will operate with emission type A-3 on frequencies 14150 to 14250 Kc/s., at least until December 31, 1939.

4. The bands from

1750 to 2050 Kc/s.
3500 to 4000 Kc/s.
7000 to 7300 Kc/s.
14000 to 14400 Kc/s.
28000 to 30000 Kc/s.
56000 to 60000 Kc/s.

shall be amateur bands.

5. In order to make a better use of the 14 megacycle band insofar as radiotelephone communication is concerned, and to avoid at the same time any undue congestion which may be caused by the operation of beginners not familiar with the use of high frequencies, it is recommended that an adequate probationary period in which to acquire the necessary experience, as well as a technical and practical test, be required before an amateur will be granted a license to operate on the 14 megacycle band for radiotelephony.

6. The amateurs bands lately assigned shall not be used for any type of broadcasting fixed or mobile service.

SECTION 9. AMATEUR THIRD PARTY MESSAGES

Whereas the General Radio Regulations annexed to the International Telecommunication Convention of Madrid provide that unless modified by special arrangements between interested countries amateur stations are forbidden to transmit international communications emanating from third persons; and

Whereas it is apparent that the community of interest of the peoples of all the Americas would be fostered by encouraging the exchange, by amateur stations, without charge, of friendly messages emanating from our citizens.

Be it resolved, by the Inter-American Radio Conference, that:

In the interest of close and friendly contacts between the peoples of the Americas, the administrations of the contracting countries whose internal legislation permits it agree that amateur radio stations in their respective countries and possessions may internationally exchange messages emanating from third parties; provided, however, that such messages shall be of a character that would not normally be sent by any other existing means of electrical communication and on which no compensation may be directly or indirectly paid.

SECTION 10. INTERNATIONAL POLICE RADIO

1. Realizing the advantage to be gained by coordinating international police communications, all countries parties to this agreement are encouraged to authorize police radiotelegraph stations in close proximity to the boundaries

of contiguous countries for the transmission of emergency information regarding law enforcement matters. In general, only important police messages are to be handled, such as that which would lose its value due to slowness and time limitations of other communication methods.

2. Stations engaged in international police communication service shall normally use the facilities provided for national police service; provided (a) that police frequencies used primarily for radiotelephone communication with mobile police units shall not be used for radiotelegraph communication, (b) that stations of different countries in close proximity to the boundary between countries may be authorized by their administrations to exchange point to point radiotelephone communication, and (c) that initially the following frequencies be used for both national and international police radiotelegraph communication:

2804 Kc/s calling	5195 Kc/s day only calling
2808 Kc/s working	5135 Kc/s day only working
2812 Kc/s working	5140 Kc/s day only working.

3. Notifications concerning the particulars of stations engaged in international police service shall be forwarded to the Bureau of the International Telecommunication Union, Berne, Switzerland, in order that all stations desiring to inter-communicate may be kept informed of the details concerning individual operation.

4. In order to insure uniformity in the handling of messages, the following operating procedure shall be followed:

(a) This service shall, in general, conform with the provisions of Article 16 of the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932.

(b) Full use shall be made of the list of abbreviations appearing in Appendix 9 to the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932. Plain language shall not be used if an abbreviation will suffice. Service indications are as follows: P—Priority, for messages which are to be sent immediately regardless of the number of other messages on file. No service indication, messages that are to be transmitted in the order of receipt.

(c) The message shall contain the preamble, text, and signature, as follows:

(1) *Preamble*: The preamble of the message shall consist of the following: The serial number preceded by the letters NR; service indications as appropriate; check (this is the group count according to standard cable count system, the letters "CK" followed by numerals indicating the number of words contained in the text of the message); office and country of origin (not abbreviated); day of month and month; hour of filing; address.

(2) *Text*: The text may be in either plain language or code.

(3) *Signature*: The signature shall include the name and title of the person originating the message.

SECTION 11. RADIO AIDS TO AIR NAVIGATION

STANDARDS OF FIELD STRENGTH AND INTERFERENCE RATIOS

1. WHEREAS the Inter-American Radio Conference has carefully considered the various resolutions of the September 1937 Inter-American Technical Aviation Conference of Lima, and in particular resolutions XIV, XVII and XVIII which were referred to this Conference and

2. Considering

a) the great importance of radio aids to air navigation, the phenomenal growth of air traffic and the further expansion which will certainly take place in the future;

b) the exacting requirements of such radio aids to air navigation with respect to stability of emissions as affected by multiple path transmission which can be minimized to the greatest extent by selection of frequencies least subject to sky wave effects;

c) the extremely limited range of frequencies which possess the necessary propagation characteristics as mentioned in (b) above;

d) the absolute dependence of aircraft in flight upon radio for navigational guidance and communication;

e) the vast number of aircraft throughout the world that now use, and must continue to share the limited number of frequencies suitable for aids to air navigation, therefore making the strictest economy of use necessary in order that all may be accommodated with a minimum of interference;

f) the standardization which therefore seems desirable in order to facilitate international flying by coordination, and, as far as possible, standardization of equipment and operating procedure;

g) that it is possible for a single ground station such for instance as the radio range beacon to simultaneously give navigational guidance to a practically unlimited number of aircraft;

h) the grave responsibility of radio aids to air navigation for rendering reliable service to aircraft which, under certain circumstances, may be entirely dependent for their safety upon uninterrupted reception of satisfactory navigational signal; and

i) the short period of time that has been available for engineering study since the September 1937 Inter-American Technical Aviation Conference at Lima;

3. The Inter-American Radio Conference resolves:

a) That in accordance with the recommendations of the Lima Convention the countries participating in this conference should prepare and exchange not later than June 1, 1938 all pertinent data which may be of value in the drafting of the following tables which may serve as a guide in connection with the application of the engineering principles herein set forth.

Table I listing various types of radio aids to air navigation which have been approved for service operation;

Table II establishing minimum signal intensities required for satisfactory reception of the various types of radio aids to air navigation, such data to be used as a basis for determination of normal service areas;

Table III establishing permissible values of interfering signal strength for the various types of radio aids to air navigation expressed in ratios of desired to undesired signal at the minimum service signal contour (a) on the same frequency, (b) 3 kc/s removed in frequency, and (c) 6 kc/s removed in frequency.

b) that radio aids to air navigation, especially those which are of a one-way or broadcast nature, such as radiobeacons, should be expected to maintain the highest possible standards of reliability, stability, and quality of emissions;

c) that in the interests of economy of frequencies the limited number of channels suitable for the use of radio air navigational aids should be assigned with the closest practicable separation, considering the type of service and class of emission, and that, as far as possible, all nations should reserve the same bands for similar types of service in order to simplify receiver design and through standardization extend the geographical limits of usefulness;

d) that the sharing of frequencies to provide facilities within the authorized bands might be arranged by regional agreement between the countries within whose borders lie portions of the interference area of existing stations as determined by the table of interference ratios and service signals;

e) that the power radiated by radio aids to air navigation in the authorized frequency bands should ordinarily be confined to a value consistent with the normal required signal intensity within the area in which it is desired to render service in order that interference beyond the service area may be reduced to a minimum.

NOTE: See additional material submitted by the U.S.A. for informative purposes, annexed.

SECTION 12. SUPPRESSION OF INTERFERENCE CAUSED BY ELECTRICAL APPARATUS

1. Diathermy apparatus, induction field heaters, carrier call systems, and similar non-radio apparatus which use radio frequency currents as an essential to their operation, may be a serious source of interference to radio communications.

2. The use of such apparatus has an important place in therapeutics, surgery, industry, etc.

3. The radiation of radio energy is not essential to the proper functioning of the apparatus and can be prevented or controlled without impairing the usefulness of the apparatus for its intended purpose.

4. The radiation takes place generally from the output circuit, internal circuits or power supply connection, all of which are essential elements.

5. The extent of the radiation depends upon the operating frequency or frequencies, power, and the design, installation and operation of the apparatus.

6. The radiation through the power supply connection can be prevented by means of the proper line filter. Radiation from the internal circuits can be prevented by means of suitable metallic cases. The radiation from the output circuits can be reduced to a level so as not to cause interference to radio communications by means of suitable metallic shielding, if the shielding encloses the entire apparatus and is of sufficient dimensions that large eddy currents are not produced in the shield.

7. In many cases it may not be practicable to employ the required shielding.

8. The frequencies used for such apparatus may be any frequency in the useful radio spectrum. However, many modern diathermy units (which cause most long-distance radio interference) operate on frequencies from approximately 10,000 to 20,000 kilocycles. Operations on other frequencies mainly cause interference to local or moderate distance reception.

9. In cases where it is not practicable to shield the entire apparatus to control the radiation, then the only means of operating machines without causing interference would be to use frequencies which are not assigned to any radio services.

10. The usual diathermy machine is essentially a radio transmitter of the self-excited oscillating type and generally uses self-rectifying plate power supply. Due to the inherent instability of the oscillator circuits, the wide variation in voltage during a plate supply cycle, and the different uses to which the output circuit is subject, the operating frequency varies during normal operation over very wide bands, possibly one or two megacycles, when operating on a frequency of approximately 15 megacycles.

11. All diathermy machines designed for the same service could operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. To operate on a fixed frequency would require additional apparatus and cost in that automatic frequency control would be required—to maintain the operating frequency within at least $\frac{1}{20}$ percent to be effective. At 15 megacycles this would require a band width of 15 kilocycles, or virtually one communication channel.

12. From the best information available diathermy operation should be restricted until the art advances to the point where apparatus may be designed to completely suppress interfering radiations, to three frequencies, namely, approximately 12 megacycles, 25 megacycles, and 50 megacycles.

13. Such apparatus as carrier call systems and certain types of induction furnaces and similar apparatus using medium or low frequencies should be

required to restrict the generation of harmonics and make the necessary test to determine that radiation of signal does not result beyond a prescribed level.

14. Each subscribing country should make the necessary regulations to require the complete shielding or operation on designated frequencies of all non-radio apparatus which generate radio frequency electric energy as an essential to its operation but does not engage in radio communication.

15. There is annexed hereto a report on "Radio Interference from Electro Therapeutic Apparatus" presented by Canada which is to be considered part of the material adopted on this subject.

NOTE: See "Radio Interference from Electro Therapeutic Apparatus" report presented by Canada, contained in document C.I.R./Doc. 43.

In witness whereof, the respective Delegates have signed various copies of this instrument in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting Governments.

Done in the city of Havana, Republic of Cuba, on the 13th day of December, 1937.

Argentine Republic:

Brazil:

JOSÉ ROBERTO DE MACEDO-SOARES

Canada:

LAURENT BEAUDRY

C. P. EDWARDS

Colombia:

JORGE SOTO DEL CORRAL

RICARDO GUTIÉRREZ LEE Y RIVERO

Cuba:

WIFREDO ALBANÉS Y PEÑA

ANDRÉS ASENSIO Y CARRASCO

NICOLÁS GONZÁLEZ DE MENDOZA Y
DE LA TORRE

ALFONSO HERNANDEZ CATÁ Y GALT

Chile:

EMILIO EDWARDS BELLO

Dominican Republic:

ROBERTO DESPRADEL

MÁXIMO LOVATÓN P.

United States of America:

T. A. M. CRAVEN

Guatemala:

ARTURO CÓBAR L

Haiti:

JUSTIN BARAU

Mexico:

IGNACIO GALINDO

SALVADOR TAYABAS

FERNANDO SÁNCHEZ AYALA

RUBÉN FUENTES

Nicaragua:

GUILLERMO ARGUEDAS

Panama:

ERNESTO M. FÁBREGA

Peru:

CARLOS A. TUDELA

Uruguay:

CÉSAR GORRI

Venezuela:

ALBERTO SMITH

ANNEX

ADDITIONAL DOCUMENT FOR INFORMATION PURPOSES

In accordance with the suggestion made for an interchange of technical information, the Inter-American Radio Conference takes into consideration the following points, which shall be presented at the appropriate time by the Government of the United States of America, to all the American countries.

1. Lists of all aeronautical stations in the United States operated by the Department of Commerce, Bureau of Air Commerce. This list will give the following information concerning each station:

Location and type of station.

Bearings of all range beacon courses.

Call letters.

Operating frequency in kilocycles.

Station identification signals.

Bearing and distance to nearest landing field, including exact elevation of such field above sea level.

Schedule of radiotelephone broadcasts of weather information and notices to airmen.

2. Maps on which are plotted locations and range courses of all directional guidance, weather broadcast, and marker beacon stations.

3. Maps of the Department of Commerce aeronautical ground communication system of teletypewriter and radio point-to-point stations.

4. Maps of designated Federal Air mail routes of the United States.

5. Tables and graphic interpretations thereof showing normal service area and normal interference area of each type of directional guidance stations. These tables will be based on an assumption of definite values of minimum service signal and maximum interference ratios and will be corrected for variations in transmitting antenna efficiency to all frequencies between 200 and 400 kc.

6. Attenuation curves based on measurements of existing range beacon stations, showing variation of sky wave intensity with frequency and distance and indicated maximum and minimum ground attenuation as experienced in widely different parts of the continental United States.

7. Detailed performance specifications of various types of aeronautical radio aids developed by the United States Bureau of Air Commerce and approved for service operation.

TELECOMMUNICATION: NORTH AMERICAN REGIONAL BROADCASTING

*Agreement signed at Havana December 13, 1937*¹

Senate advice and consent to ratification June 15, 1938

Ratified by the President of the United States June 30, 1938

Ratification of the United States deposited at Havana July 21, 1938

Entered into force March 29, 1940, for section 1 of Part III, section 1 of Part V, and paragraph 3 of Table VI of Appendix I; entered into force March 29, 1941, for remainder of agreement

Proclaimed by the President of the United States January 23, 1941

Supplemented by arrangement of January 30, 1941;² continued in force, with modifications, by interim agreement (modus vivendi) of February 25, 1946³

Expired March 29, 1949

55 Stat. 1005; Treaty Series 962

NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT

concluded among the following Governments:

Canada, Cuba, Dominican Republic, Haiti, Mexico, United States of America

The undersigned, plenipotentiaries of the Governments listed above, having met in conference at Habana, Cuba, have, in common agreement and subject to ratification, concluded the following Agreement.

Purpose and Scope of This Agreement

1. *Purpose of Agreement.* The purpose of this Agreement is to regulate and establish principles covering the use of the standard broadcast band in the North American Region so that each country may make the most effective use thereof with the minimum technical interference between broadcast stations.

2. *North American Region.* The North American Region (hereinafter referred to as "Region") for the purpose of this Agreement shall be deemed

¹ For appendixes to the agreement, see 55 Stat. 1020 or p. 17 of TS 962.

² EAS 227, *post*, p. 683.

³ TIAS 1553, *post*, vol. 4.

to include and to consist of the following countries: Canada, Cuba, Dominican Republic, Haiti, Mexico, Newfoundland, and United States of America.

3. *Standard broadcast band.* The standard broadcast band shall be deemed to be the band of frequencies extending from 550 to 1600 kc, both inclusive, both 550 kc and 1600 kc being the carrier frequencies of broadcasting channels as hereinafter defined. The Governments agree, subject to the provisions of Article 7 of the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932,⁴ that this band of frequencies shall be allocated exclusively to broadcasting in the Region.

4. *Sovereign right to use channels.* The sovereign right of all countries, parties to this Agreement, to the use of every channel in the standard broadcast band is recognized. The Governments recognize, however, that until technical developments reach a state permitting the elimination of radio interference of international character, a regional arrangement between them is necessary in order to promote standardization and to minimize interference.

5. *Regional character of Agreement.* The Governments recognize that this Agreement, and each provision thereof, is a regional arrangement within the meaning of, and authorized by the International Telecommunications Convention and the General Radio Regulations annexed thereto.

II

Technical

A. DEFINITIONS

1. *Broadcast station.* A station the emissions of which are primarily intended to be received by the general public.

2. *Broadcast channels—550 to 1600 kc.* A broadcast channel is a band of frequencies ten (10) kc in width, with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to broadcast stations shall begin at 550 kc and be in successive steps of 10 kc. No intermediate frequency shall be assigned as the carrier frequency of any broadcast station.

3. *Service areas.*

(a) *Primary service area.* The primary service area of a broadcast station is the area in which the ground wave is not subject to objectionable interference or objectionable fading.

(b) *Secondary service area.* The secondary service area of a broadcast station is the area served by the sky wave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

4. *Dominant stations.* A "dominant" station is a Class I station, as hereinafter defined, operating on a clear channel.

5. *Secondary station.* A "secondary" station is any station except a Class I station operating on a clear channel.

⁴ TS 867, *ante*, p. 65; for text of regulations, see 49 Stat. 2445.

6. *Objectionable interference.* Objectionable interference is the degree of interference produced when, at a specified boundary or field intensity contour with respect to the desired station, the field intensity of an undesired station (or the root-mean-square value of field intensities of two or more stations on the same frequency) exceeds for ten (10) percent or more of the time the values hereinafter set forth in this Agreement.

7. *Power.* The power of a radio transmitter is the power supplied to the antenna. The power in the antenna of a modulated-wave transmitter shall be expressed in two numbers, one indicating the power of the carrier frequency supplied to the antenna, and the other the actual maximum percentage of modulation.

8. *Spurious radiation.* A spurious radiation from a transmitter is any radiation outside the frequency band of emission normal for the type of transmission employed, including any harmonic modulation products, key clicks, parasitic oscillations and other transient effects.

9. *English, French and Spanish equivalents.* It is agreed that, as used in this Agreement, the French and Spanish words below set forth are respectively the equivalent of, and mean the same as, the English terms opposite which they appear:

<i>English</i>	<i>French</i>	<i>Spanish</i>
Clear channel	Frequence libre	Canal despejado
Objectionable interference	Brouillage nuisible	Interferencia objetable

B. CLASSES OF CHANNELS AND ALLOCATION THEREOF

1. *Three classes:* The 106 channels in the standard broadcast band are divided into three principal classes: clear, regional and local.

2. *Clear channel:* A clear channel is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference, within their primary service areas and over all or a substantial portion of their secondary service areas.

3. *Regional channel:* A regional channel is one on which several stations may operate with powers not in excess of 5 kw. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

4. *Local channel:* A local channel is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

5. *Number of channels of each class:* The number of channels of each class shall be as follows:

Clear channels	59
Regional channels	41
Local channels	6

6. *Allocation of specific channels to each class:* The channels are allocated to the several classes as follows:

Clear channels. The following channels are designated as clear channels: 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570 and 1580.

Regional channels. The following channels are designated as regional channels: 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, 1600.

Local channels. The following channels are designated as local channels: 1230, 1240, 1340, 1400, 1450, and 1490 kc.

7. *Use of regional and local channels by countries.* All countries may use all regional and all local channels, subject to the power limitations and standards for prevention of objectionable interference set forth in this Agreement.

8. *Priority of use of clear channels by countries.*

(a) The clear channels are assigned for priority of use by Class I and II stations in the several countries in accordance with the table set forth in Appendix I.⁵

(b) Each such channel shall be used in a manner conforming to the best engineering practice with due regard to the service to be rendered by the dominant stations operating thereon, as set forth elsewhere in this Agreement. If, for one year within the term of this Agreement, a country fails to make any use of a clear channel assigned to it, the channel shall be considered open for use by the other countries, parties to this Agreement, pursuant to such arrangement as may be agreed upon by their respective administrations and without any necessity for revision of this Agreement.

(c) No country to which a clear channel has been thus assigned shall permit, or agree to permit, any other country to use such channel in a manner not in conformity with this Agreement without first giving sixty days⁶ advance notice of its intention so to do to all other countries, parties to this Agreement. If during this period of sixty days⁶ any other country shall present objections to such proposed use of the channel, the country to which the clear channel has been assigned shall not permit, or agree to permit, such proposed use until the difference presented by the objection has been amicably resolved.

⁵ See footnote 1, p. 503.

⁶ Calendar days. [Footnote in original.]

(d) If within the period of this Agreement the country to which a clear channel has been assigned shall have made use of the channel but not in the manner above prescribed or not to the extent required by the provisions of this Agreement, such country shall be considered as having relinquished that portion of the rights which it has not used and at the expiration of this Agreement the other countries party thereto shall have the right, if they see fit, to withdraw the unused privileges from such country and to reassign them to any or all of the other interested countries.

C. CLASSES OF STATIONS AND USE OF THE SEVERAL CLASSES OF CHANNELS

1. *Classes of stations.* Broadcast stations are divided into four principal classes, to be designated Class I, Class II, Class III, and Class IV, respectively.

2. *Definitions of classes.* The four classes of broadcast stations are defined as follows:

Class I: A dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Class I stations are subdivided into two classes:

Class I-A: A Class I station which operates with power of 50 kw or more and which has its primary service area, within the limits of the country in which the station is located, free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area, within the same limits, free from objectionable interference from stations on the same channel, in accordance with the engineering standards hereinafter set forth.

Class I-B: A Class I station which operates with power of not less than 10 kw or more than 50 kw and which has its primary service area free from objectionable interference from other stations on the same and adjacent channels and its secondary service area free from objectionable interference from stations on the same channel, in accordance with the engineering standards hereinafter set forth.

(a) When two Class I-B stations on the same channel are separated by a distance of 2800 miles or more, neither station shall be required to install a directional antenna.

(b) When two Class I-B stations on the same channel are separated by a distance of more than 1800 miles and less than 2800 miles, it will, in the absence of proof to the contrary, be assumed that each station is free of objectionable interference caused by the other and neither shall be required to install directional antennas or take other precautions to avoid such interference. In case the existence of objectionable interference is proved, the governments concerned will consult with each other regarding the desirability and practicality of installation of directional antennas or the taking of other precautions to eliminate the interference and will determine by special arrangement the measures, if any, to be taken.

(c) When two Class I-B stations on the same channel are separated by a distance less than 1800 miles, it will, in the absence of proof to the contrary, be assumed that the installation of directional antennas or the taking of other precautions to avoid interference is necessary, and the governments concerned will consult with each other and will take such measures as may be agreed upon between them to the end that the objectionable interference may be reduced or eliminated.

Class II: A "secondary" station which operates on a clear channel and is designed to render service over a primary service area which, depending on geographical location and power used, may be relatively large, but which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power of not less than 0.25 kw or more than 50 kw. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference, in accordance with the engineering standards hereinafter set forth, with Class I stations and with other Class II stations.

Class III: A station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contained therein and contiguous thereto. Class III stations are subdivided into two classes:

Class III-A: A Class III station which operates with power not less than one kilowatt or more than five kilowatts and the service area of which is subject to interference in accordance with the engineering standards hereinafter set forth.

Class III-B: A Class III station which operates with a power not less than 0.5 kw or more than 1 kw night and 5 kw daytime and the service area of which is subject to interference in accord with the engineering standards hereinafter set forth.

Class IV: A station using a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kw or more than 0.25 kw and its service area is subject to interference in accord with the engineering standards hereinafter set forth.

3. *Change of class.* If a station or stations in Class III-B located in any country can, through the use of directional antennas or otherwise, so reduce the interference caused or received by such station or stations to the field contour to which interference to stations in Class III-A is allowed, such station or stations shall automatically be classified and included in Class III-A and shall thereafter be so recognized and treated by the Administrations of all countries within the Region.

4. *Use of clear channels.*

(a) In principle and subject only to the exception hereinafter set forth, Class I stations shall be assigned only to clear channels.

(b) Class II stations may be assigned to clear channels only on condition that objectionable interference will not be caused to any Class I stations. Where any country has priority of use of a clear channel for any Class I-A station, no other country shall assign any Class II station to that channel for nighttime operation (from sunset to sunrise at the location of the Class II station) unless such Class II station is located not less than 650 miles from the nearest border of the country in which the Class I-A station is located; provided, however, that where an assignment for a Class II station is specifically stated in Appendix I, such assignment shall be deemed as authorized under the limitations therein set forth.

5. *Use of regional channels.*

(a) In general only Class III-A and Class III-B stations shall be assigned to regional channels.

(b) On condition that interference be not caused to any Class III-A or Class III-B station, and subject to such interference as may be received from Class III-A or Class III-B stations, Class IV stations may be assigned to regional channels.

(c) Because of their geographical location with respect to the North American continent, special consideration will be given to the use by Cuba, the Dominican Republic, Haiti and Newfoundland of stations of Classes I and II assigned to certain regional channels under certain conditions, with respect to power and precautions to avoid objectionable interference as set forth in Appendix VII.

6. *Use of local channels.* Only Class IV stations shall be assigned to local channels.

D. SERVICE AND INTERFERENCE

1. *Satisfactory signal.* It is recognized that, in the absence of interference from other stations and in regions where the natural electrical noise level is not abnormally high, a signal of 100 microvolts per meter constitutes a usable signal in rural and sparsely settled areas but that, because of the higher electrical noise levels in more thickly populated communities, greater field intensities (ranging as high as 25 millivolts or more in cities) are necessary to render satisfactory service. It is further recognized that it is not possible to accord protection to stations from objectionable interference over the entire areas over which their signals are or may be above the electrical noise level, particularly at night, and that it is necessary to specify boundaries or contours at or within which stations are protected from objectionable interference from other stations.

2. *Areas protected from objectionable interference.* The boundaries or contours at and within which the several classes of stations shall be protected from objectionable interference are as set forth in Appendix II. No station, how-

ever, need be protected from objectionable interference at any point outside the boundaries of the country in which such station is located.

With respect to the root-mean-square values of interfering field intensities referred to herein, it shall be understood to apply in determining the interference between existing stations and no station thereafter assigned the channel shall increase the root-mean-square value of the interfering field intensity above the maxima specified in the attached tables.

3. *Objectionable interference on the same channel.* Objectionable interference shall be deemed to exist to a station when, at the boundary or field intensity contour specified in Appendix II with respect to the class to which the station belongs, the field intensity of an interfering station (or the root-mean-square value of the field intensities of two or more interfering stations) operating on the same channel, exceeds for ten (10) percent or more of the time the value of the permissible interfering signal set forth opposite such class in Appendix II.

4. *Interference to dominant clear channel stations.* A station shall be considered as not capable of causing objectionable interference to a Class I clear channel station on the same frequency when it is separated from the dominant clear channel station by a difference of 70 degrees or more of longitude.

5. *Objectionable interference on adjacent channels.* It is recognized, in principle, that objectionable interference may be caused to a desired station when, at or within the specified contours of a desired station, the field intensity of the ground wave of an undesired station operating on an adjacent channel (or the root-mean-square value of the field intensities of two or more such undesired stations operating on the same adjacent channel) exceeds a value determined by the following ratio:

<i>Separation between channels</i>	<i>Minimum permissible ratio of desired to undesired signals</i>
10 kc	1 to 0.5
20 kc	1 to 10
30 kc	1 to 50

For convenient reference, the maximum permissible values of interfering signals on such adjacent channels at specified contours are set forth in Appendix III, Table I.

6. *Application of standards to existing stations.*

(a) For the purpose of estimating objectionable interference, all stations (other than those of Class II) shall be assumed to use the maximum power permitted to their respective classes. In this connection, the power of Class I-A stations shall be considered to be 50 kw or the actual power, if higher.

(b) After this agreement has been placed in operation a station thereafter assigned a channel already assigned to other stations shall not be considered as preventing existing stations from increasing their power to the maximum allowed their class, even though such power increase may limit

the newly assigned station to a field intensity contour of higher value than that permitted its class.

7. *Frequency stability.* The operating frequency of each broadcast station shall be maintained to within 50 cycles of the assigned frequency until January 1, 1939, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

8. *Spurious radiation.* The governments shall endeavor to reduce and, if possible, eliminate spurious radiations from broadcast stations. Such radiations shall be reduced in all cases until they are not of sufficient intensity to cause interference outside the frequency band required for the type of emission employed. With respect to type A-3 emissions (radio-telephony) the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur, and, with respect to amplitude modulation, the operating percentage of modulation should not be less than seventy-five (75) percent on peaks of frequent recurrence. Means should be employed to insure that the transmitter is not modulated in excess of its modulation capability.

E. DETERMINATION OF PRESENCE OF OBJECTIONABLE INTERFERENCE

1. *Antenna performance.* For the purpose of calculating the presence and the degree of objectionable interference, stations of the several classes shall be assumed to produce effective field, corrected for absorption, for one kilowatt of input power to the antenna, as follows:

<i>Class of Station</i>	<i>At One Mile</i>	<i>At One Kilometer</i>
I	225 mv/m	362 mv/m
II and III	175 mv/m	282 mv/m
IV	150 mv/m	241 mv/m

In case a directional antenna is employed, the interfering signal of a broadcasting station will vary in different directions. To determine the interference in any direction, in the absence of actual interference measurements, the horizontal and vertical field intensity patterns of the directional antenna must be calculated and by comparing the appropriate vectors in the horizontal or vertical pattern with that of a nondirectional with the same effective field, the interfering signal toward any other station can be expressed in terms of kilowatts. This rating in kilowatts shall be applied in the use of mileage separation tables or in computing distances from the propagation curves or tables.

2. *Power.* The power of a station shall, for the purposes of notifications required by this Agreement, be determined in one of the following manners:

(a) By taking the product of the square of the antenna current and the antenna resistance (antenna input power).

(b) By determination of the station's effective field intensity, corrected for absorption, by making sufficient field intensity measurements on at least eight radials as nearly equally spaced as practicable and by relating the field intensity thus determined to the effective field intensity of a station having the antenna efficiency stipulated above for its class.

3. *Methods of determining the presence of objectionable interference—General.* The existence or absence of objectionable interference from stations on the same or adjacent channels shall be determined by one of the following methods:

(a) By actual measurements obtained in the method hereinafter prescribed;

or, with the mutual consent of the countries concerned:

(b) By reference to the propagation curves in Appendices IV and V,
or

(c) By reference to the distance tables set forth in Appendix VI.

4. *Actual proof of existence or absence of objectionable interference.* The existence or absence of objectionable interference may be proved by field intensity measurements or recordings made with suitable apparatus, duly calibrated, by Government engineers or other engineers as may be mutually acceptable to the Governments concerned. Such field intensity measurements shall be made in the manner and for the periods of time mutually agreed upon by the Governments concerned.

The contracting Governments agree to facilitate the making of the measurements by requiring the stations involved to remain silent or operate in the manner deemed necessary, and at such times as not to interrupt regular schedules.

5. *Proof based on propagation curves and distance tables.*

(a) *Sky wave curves.* In computing the distance to the 50 percent sky wave field intensity contour of a Class I station of a given power, and also in computing the 10 percent sky wave field intensity of an alleged interfering station, of any class and given power, at a specified distance, use may be made of the appropriate graphs set forth in Appendix V, entitled "Average Sky Wave Field Intensity Corresponding to the Second Hour after Sunset in the Recording Station, 100 Millivolt per Meter at One Mile (161 at one kilometer)".

(b) *Ground wave curves.* The distance to any specified ground wave field intensity contour may be determined from appropriate ground wave curves plotted for the frequency under consideration and the conductivity and dielectric constant of the earth between the station and desired contour. The frequency and the conductivity of the earth must be considered in every case and where the distance is great due allowance must be made for loss due

to curvature of the earth. A family of curves is necessary for this purpose. A graph for a conductivity of 10^{-13} is set forth in Appendix IV, entitled "Ground Wave Field Intensity vs. Distance for One Kilowatt Radiated From Short Antenna". Three frequencies in the standard broadcast band are given. For other frequencies and soil conditions (conductivity and dielectric constant) other curves are required. A conductivity of 10^{-13} is considered average and is used throughout in determining the ground wave value for computing the mileage separation tables.

(c) *Distance tables.* Table I shows the required day separation in miles between broadcast stations on the same channel. Table II gives the required distance in miles from the boundary of a country in which a Class I-A station is located for the daytime operation of a Class II station on the same channel in another country. Table III gives the required separation in miles between broadcast stations on adjacent channels during both daytime and nighttime. Table IV gives the required night separation in miles between broadcast stations operating on the same channel. The assumed conditions of operation are given in Appendix VI.

The tables are based upon the use of nondirectional antennas but, in case a directional antenna is employed at a particular station, it will be necessary to consider the radiation distribution of the directional antenna involved and to modify the mileage separation accordingly. The night separation tables for stations on the same frequency are computed from the skywave curve given in Appendix V. These curves are based on extensive measurements of the skywave produced by broadcasting stations and shall be considered as accurate in all cases unless proof to the contrary is available as set out in Section E 4. The mileage separation tables for the same channel during daytime and for adjacent channels day and night are computed from the groundwave curve in Appendix IV. Tables apply only in case the frequency is 1000 kc and the assumed soil conductivity and dielectric constant prevail. Since these values vary in every case the tables for daytime and adjacent channel separation cannot be used except as a general guide. In any case under consideration an estimate of the mileage separation required may be made from the operating frequency and known or assumed soil conditions. To determine the interference accurately, measurements must be made in accordance with Section E 4 on the frequency under consideration or on another frequency and from the curves the values may be determined for the desired frequency.

F. MISCELLANEOUS

1. *Engineering standards.* The engineering standards set forth in this Agreement are subject to revision when justified by technical advances in the art, with the mutual consent of the governments parties to this Agreement.

III

*Notification and Effect Thereof**1. Initial notification.*

Each Government shall, as soon as possible after ratification of this Agreement, and in any event not later than 180 days prior to the effective date thereof, transmit to the other Governments

(a) A complete list of all broadcast stations actually in operation in its country in the standard broadcast band both as of the date of the signing of this Agreement and as of the date of transmitting said list, showing with respect to each station its call signal, location, frequency, power, and antenna characteristics, together with all changes authorized to be made with respect to said stations on or before the effective date of this Agreement, and the classification claimed for each such station.

(b) A complete list of all changes authorized to be made with respect to said stations after the effective date of this Agreement, the dates on or before which such changes are to be consummated, and the classification claimed for each such station under this Agreement when the proposed change has been consummated.

(c) A complete list of all new broadcast stations authorized but not yet in operation, showing with respect to each such station its call signal, location, frequency, power and antenna characteristics, the date on or before which each such station shall commence operation, and the classification claimed for it under this Agreement.

(d) The Governments agree that prior to the effective date of this Agreement, they will, so far as possible, resolve all conflicts that may arise between them as a result of the foregoing initial listings, and that, notwithstanding some such conflicts may remain unresolved, they will cooperate to the end that there be no delay in putting the provisions of this Agreement into full force and effect on that date.

(e) In resolving conflicts in the use of clear channels, and in the listing of Class I and Class II stations, the provisions of this Agreement and particularly of Appendix I shall be controlling. In resolving conflicts in the use of regional and local channels, and in the listing of Class III and Class IV stations, priority of use shall be recognized in each country with respect to stations which at the time of signing of this Agreement are in actual operation, which in substance conform to the definitions of said classes as set forth in this Agreement, and with respect to which no substantial change is made or proposed; a change of frequency in order to conform to the designation of channels in this Agreement shall not be deemed a substantial change.

2. Subsequent notifications. After the effective date of this Agreement and throughout the period during which it shall remain in effect, each Government shall promptly notify the other Governments by registered letter of

all further changes in existing broadcast stations and of all further new broadcast stations, together with similar information with regard to each such change or new station, and the proposed date on which each such change is to go into effect and on which each such new station is to actually commence operation.

3. *Effect of notification.* Each Government may, within 30 days of receiving notification of any proposed change in the assignment of an existing station or of the authorization of a new station in another country, notify the Government of the latter country of any objection it may have thereto under the terms of this Agreement.

4. *Conflict between notifications.* To be valid, notifications of changes in the assignments of existing stations, or of authorizations of new stations must be such that the assignments proposed therein are in accordance with this Agreement and are such as not to involve objectionable interference to existing stations in other countries, assigned and operating in accordance with this Agreement. As between two or more notifications of changes or authorizations of new stations proceeding from different countries, after the effective date of this Agreement, priority in the date of mailing of notification shall govern.

5. *Cessation of effect.* (a) A notification of a proposed change in the assignment of an existing station or of an authorization of a new station shall cease to have any force and effect if, within one year of the date thereof such change shall not have been actually consummated or such new station shall not have actually commenced continuous operation. (b) In special cases in which circumstances beyond the control of the Administration concerned have prevented the completion of the change or the construction of the new station, the term of the original notification may be extended for a period of six months.

6. *Bern Bureau.* The foregoing notifications shall be made independently of and in addition to those which, under current practice, are sent to the Bureau of the International Telecommunications Union.

IV

Arbitration

In case of disagreement between two or more contracting Governments concerning the execution of this Agreement the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of one of the Governments in disagreement. Unless the parties in disagreement agree to adopt a procedure already established by treaties concluded between them for the settlement of international disputes, the procedure shall be that provided for in Article 15 of the International Telecommunications Convention of Madrid, 1932.

V

Ratification, Execution, and Denunciation

1. *Ratification.* To be valid this Agreement must be ratified by Canada, Cuba, Mexico and the United States of America.

If and when three of said four countries shall have ratified and the fourth shall, through unavoidable circumstances, have been unable to ratify but shall have signified to those countries that have ratified, its readiness, pending ratification and as an administrative measure, to put the provisions of this Agreement (including the contents of Appendix I) into effect in whole or in part, then such country, together with those countries which shall have ratified, may, by administrative agreement between them, fix a definite date on which they shall give effect to such provisions, which date shall preferably be one year from the date of such administrative agreement.

The ratifications must be deposited, as soon as possible, through diplomatic channels, in the archives of the Government of Cuba. This same Government shall, through diplomatic channels, notify the other signatory Governments of the ratifications as soon as they are received.

2. *Effect of ratification.* This Agreement shall be valid only as between such countries as shall have ratified it.

3. *Execution.* The contracting Governments undertake to apply the provisions of this Agreement, and to take the steps necessary to enforce said provisions upon the private operating agencies recognized or authorized by them to establish and operate broadcast stations within their respective countries.

4. *Denunciation.* Each contracting Government shall have the right to denounce this Agreement by a notification addressed, through diplomatic channels, to the Government of Cuba, and announced by that Government, through diplomatic channels, to all the other contracting Governments. This denunciation shall take effect at the expiration of the period of one year from the date on which the notification was received by the Government of Cuba. This effect shall apply only to the author of the denunciation. This Agreement shall remain in force for the other contracting Governments but only as between such Governments.

VI

Effective Date and Term of the Agreement

1. Except for the provisions of Section 1 of Part III, Section 1 of Part V, and paragraph 3 of Table VI of Appendix I annexed hereto (which provisions shall go into effect immediately upon this Agreement becoming valid), this Agreement shall become effective one year after the date it shall have been ratified by the fourth of those Governments whose ratification is requisite to the validity of this Agreement. The Governments will cooperate to the end that, wherever possible, the provisions of this Agreement shall be carried out in advance of said effective date.

2. This Agreement shall remain in effect for a period of five years after said effective date.

VII

Adherence

This Agreement shall be open to adherence in the name of Newfoundland.

In witness whereof the respective plenipotentiaries have signed the Agreement in triplicate, one copy in English, one in Spanish, and one copy in French, each of which shall remain deposited in the archives of the Government of Cuba and a copy of each of which shall be forwarded to each Government.

Done at Habana, Cuba, on December 13th, 1937.

Canada:

LAURENT BEAUDRY
C. P. EDWARDS

Cuba:

WIFREDO ALBANÉS Y PEÑA
ANDRÉS ASENSIO Y CARRASCO
NICOLÁS GONZÁLEZ DE MENDOZA
Y DE LA TORRE
ALFONSO HERNÁNDEZ CATÁ Y GALT

Dominican Republic:

ROBERTO DESPRADEL
MÁXIMO LOVATÓN P.

Haiti:

JUSTIN BARAU

Mexico:

IGNACIO GALINDO
SALVADOR TAYABAS
FERNANDO SÁNCHEZ AYALA
RUBÉN FUENTES

United States of America:

T. A. M. CRAVEN

[For appendixes, see 55 Stat. 1020 or p. 17 of TS 962.]

TELECOMMUNICATION: RADIO REGULATIONS (CAIRO REVISION)

General radio regulations and final protocol annexed to Madrid telecommunication convention of 1932,¹ signed at Cairo April 8, 1938

Senate advice and consent to ratification July 21, 1939

Ratified by the President of the United States August 11, 1939

International Telecommunication Union at Bern notified of ratification by the United States August 24, 1939

Entered into force (except for article 7) January 1, 1939; for the United States August 25, 1939; article 7 applied from September 1, 1939

Proclaimed by the President of the United States September 18, 1939

Replaced by regulations of October 2, 1947;² December 21, 1959;³ November 8, 1963,⁴ and April 29, 1966,⁵ as between contracting parties to the later regulations

[For text, see 54 Stat. 1417 or p. 143 of TS 948.]

¹ TS 867, *ante*, p. 65.

² 63 Stat. 1580; TIAS 1901, p. 202.

³ 12 UST 2377; TIAS 4893.

⁴ 15 UST 887; TIAS 5603.

⁵ 18 UST 2091; TIAS 6332.

REGULATION OF WHALING

*Protocol signed at London June 24, 1938, amending the agreement of June 8, 1937*¹

Senate advice and consent to ratification March 8, 1939

Ratified by the President of the United States March 16, 1939

Ratification of the United States deposited at London March 30, 1939

Entered into force provisionally July 1, 1938; definitively December 30, 1938; for the United States March 30, 1939

Proclaimed by the President of the United States April 8, 1939

Amended by protocol of November 26, 1945,² as extended and supplemented

*Terminated for the United States and certain other parties June 30, 1949*³

53 Stat. 1794; Treaty Series 944

PROTOCOL

The Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Canada, Eire, Germany, the United Kingdom of Great Britain and Northern Ireland, New Zealand and Norway, desiring to introduce certain amendments into the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937⁴ (hereinafter referred to as the Principal Agreement) in accordance with the provisions of Article 21 thereof, have agreed as follows:

ARTICLE 1

With reference to the provisions of Articles 5 and 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude during the period from the 1st October, 1938, to the 30th September, 1939.

¹ For final act of 1938 London conference and map showing waters defined in arts. 7 and 9 of agreement of June 8, 1937, and in arts. 1, 2, and 7 of 1938 protocol, see 53 Stat. 1800 or p. 7 of TS 944.

² TIAS 1597, *post*, p. 1328.

³ Pursuant to notices of withdrawal in accordance with art. 21 of agreement of June 8, 1937 (TS 933, *ante*, p. 460).

⁴ TS 933, *ante*, p. 455.

ARTICLE 2

Notwithstanding the provisions of Article 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westwards as far as 160° West Longitude for a period of two years from the 8th day of December, 1938.

ARTICLE 3

(1) No factory ship which has been used for the purpose of treating baleen whales south of 40° South Latitude shall be used for that purpose elsewhere within a period of twelve months from the end of the open season prescribed in Article 7 of the Principal Agreement.

(2) Only such factory ships as have operated during the year 1937 within the territorial waters of any signatory Government shall, after the signature of this Protocol, so operate, and any such ships so operating shall be treated as land stations and remain moored in territorial waters in one position during the season and shall operate for not more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 4

To Article 5 of the Principal Agreement there shall be added the following:

“except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.”

ARTICLE 5

To Article 7 of the Principal Agreement there shall be added the following:

“Notwithstanding the above prohibition of treatment during a close season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.”

ARTICLE 6

In Article 8 of the Principal Agreement the word “baleen” shall be inserted after the word “treating.”

ARTICLE 7

For the areas specified in (a), (b), (c) and (d) of Article 9 of the Principal Agreement there shall be substituted the following areas, viz.:

(a) in the waters north of 66° North Latitude; except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of

whales by such ship or catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

ARTICLE 8

For Article 12 of the Principal Agreement there shall be substituted the following, viz.: The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass shall remain in the sea for a longer period than 33 hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment.

ARTICLE 9

The present Protocol shall come into force provisionally on the first day of July, 1938, to the extent to which the signatory Governments are respectively able to enforce it.

ARTICLE 10

(i) The present Protocol shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible.

(ii) It shall come into force definitively upon the deposit of the instruments of ratification by the Governments of the United Kingdom, Germany and Norway.

(iii) For any other Government which is a party to the Principal Agreement, the present Protocol shall come into force on the date of the deposit of its instrument of ratification or notification of accession.

(iv) The Government of the United Kingdom will inform the other Governments of the date on which the Protocol comes into force and the date of any ratification or accession received subsequently.

ARTICLE 11

(i) The present Protocol shall be open to accession by any Government which has not signed it and which accedes to the Principal Agreement before the definitive entry into force of the Protocol.

(ii) Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

(iii) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Protocol of all accessions received and the date of their receipt.

ARTICLE 12

Any ratification of or accession to the Principal Agreement which may be deposited or notified after the date of definitive coming into force of the present Protocol shall be deemed to relate to the Principal Agreement as amended by the present Protocol.

In witness whereof the undersigned, duly authorised thereto, have signed the present Protocol.

Done in London the twenty-fourth day of June, 1938, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be communicated to all the signatory Governments.

For the Government of the Union of
South Africa:

C. T. TE WATER

F. J. DU TOIT

For the Government of the United
States of America:

HERSCHEL V. JOHNSON

REMINGTON KELLOGG

WILFRID N. DERBY

For the Government of the Argentine
Republic:

MANUEL E. MALBRAN

M. FINCATI

For the Government of the Common-
wealth of Australia:

ROBERT G. MENZIES

For the Government of Canada:

VINCENT MASSEY

For the Government of Eire:

SEAN O'FAOLAIN O'DULCHAONTIGH

J. D. RUSH

For the Government of Germany:

HELMUTH WOHLTAT

For the Government of the United King-
dom of Great Britain and Northern
Ireland:

HENRY G. MAURICE

GEO. HOGARTH

For the Government of New Zealand:

W. J. JORDAN

For the Government of Norway:

BIRGER BERGERSEN

LIMITATION OF NAVAL ARMAMENT

Protocol signed at London June 30, 1938, modifying treaty of March 25, 1936

Entered into force June 30, 1938

Terminated December 31, 1942, upon expiration of treaty of March 25, 1936

53 Stat. 1921; Executive Agreement Series 127

PROTOCOL

Whereas by Article 4 (1) of the Treaty for the Limitation of Naval Armaments signed in London on the 25th March, 1936,¹ it is provided that no capital ship shall exceed 35,000 tons (35,560 metric tons) standard displacement;

And whereas by reason of Article 4 (2) of the said treaty the maximum calibre of gun carried by capital ships is 16 inches (406 mm.);

And whereas on the 31st March, 1938, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland gave notice under paragraph (2) of Article 25 of the said Treaty of their decision to exercise the right provided for in paragraph (1) of the said Article to depart from the limitations and restrictions of the treaty in regard to the upper limits of capital ships of sub-category (a);

And whereas consultations have taken place as provided in paragraph (3) of Article 25, with a view to reaching agreement in order to reduce to a minimum the extent of the departures from the limitations and restrictions of the treaty;

The undersigned, duly authorised by their respective Governments, have agreed as follows:

1. As from this day's date the figure of 35,000 tons (35,560 metric tons) in Article 4 (1) of the said treaty shall be replaced by the figure of 45,000 tons (45,720 metric tons).

2. The figure of 16 inches (406 mm.) in Article 4 (2) remains unaltered.

3. The present protocol, of which the French and English texts shall both be equally authentic, shall come into force on this day's date.

¹ TS 919, *ante*, p. 257.

In faith whereof the undersigned have signed the present protocol.
Done in London the 30th day of June 1938.

For the Government of the United
States of America:

HERSCHEL V. JOHNSON

For the Government of the French Re-
public:

ROGER CAMBON

For the Government of the United King-
dom of Great Britain and Northern
Ireland:

ALEXANDER CADOGAN

STATISTICS OF CAUSES OF DEATH

Protocol signed at Paris October 6, 1938, modifying minimum nomenclature of causes of death, with annex

*Entered into force January 1, 1940*¹

Replaced by World Health Organization Regulations No. 1 of July 24, 1948, as amended, which were subsequently replaced by WHO Nomenclature Regulations, 1967,² as between states bound by the regulations

54 Stat. 2308; Executive Agreement Series 173

[TRANSLATION]

PROTOCOL

At the Conference held in Paris on October 6, 1938, convened under paragraph 4 of article 4 of the international agreement dated June 19, 1934,³ relating to statistics of causes of death, the delegations present of governments contracting under the said agreement, viz, the delegations representing the following countries: Germany, Australia, Canada, United States of America, Hungary, Italy, New Zealand, Netherlands, United Kingdom of Great Britain and Northern Ireland, Venezuela, have unanimously adopted the modifications in the minimum nomenclature in force which are embodied in the revised minimum nomenclature certified as authentic by the Secretary General of the Conference and annexed hereto.

In faith whereof the undersigned delegates duly authorized to that effect have signified the adoption of the said modifications by their respective governments.

The present protocol deposited in the archives of the French Government shall be open until December 31, 1938, inclusive, for signature by the diplomatic representatives of the countries above mentioned, the delegates of which had not been authorized to engage their respective governments.

Provided, however, that if by January 1, 1939, the number of signatures obtained by either procedure is less than four-fifths of the number of governments represented at the present Conference, the said modifications in the minimum nomenclature in force shall be of no force or effect.

¹ In accordance with the terms of art. 4 of the agreement of June 19, 1934 (EAS 80, *ante*, p. 243).

² 7 UST 79, 11 UST 61, 18 UST 3003; TIAS 3482, 4409, 6393.

³ EAS 80, *ante*, p. 242.

Done at Paris, October 6, 1938, in a single copy, which shall be deposited in the archives of the French Government and of which certified copies shall be furnished to each contracting government.

For the United Kingdom of Great Britain and Northern Ireland:

SYLVANUS P. VIVIAN

For the Commonwealth of Australia:

SYLVANUS P. VIVIAN

For Venezuela:

CARLOS ARISTIMUNO-COLL

For New Zealand:

ERIC PHIPPS

For Italy:

GUARIGLIA

For Canada:

PHILIPPE ROY

For Germany:

JOHANNES GRAF VON WELCZECK

For the United States:

EDWIN C. WILSON

For Hungary:

Comte KHUEN-HÉDERVARY

For the Netherlands:

J. LOUDON

INTERNATIONAL CONFERENCE FOR THE 5TH REVISION OF THE NOMENCLATURES OF CAUSES OF DEATH

PARIS, OCTOBER 3-7, 1938

INTERMEDIATE NOMENCLATURE

(See the numbers of the detailed nomenclature, indicated in parentheses, for the complete specification of the contents of each rubric).

I. Infectious and parasitic diseases

1. Typhoid and paratyphoid fevers (1 and 2)
2. Plague (3)
3. Scarletina (8)
4. Whooping cough (9)
5. Diphtheria (10)
6. Tuberculosis of the respiratory tract (13)
7. All other tuberculoses (14 to 22)
8. Purulent infection and nonpuerperal septicemia (24)
9. Dysentery (27)
10. Malaria (28)
11. Syphilis (30)
12. Grippe or influenza (33)
13. Smallpox (34)
14. Measles (35)
15. Exanthematic typhus (39)
16. Diseases due to helminthes (40, 41, 42)
17. Other infectious and parasitic diseases (4 to 7, 11, 12, 23, 25, 26, 29, 31, 32, 36, 37, 38, 43, and 44)

II. Cancer and other tumors

18. Cancer and other malignant tumors of the buccal cavity and of the pharynx (45)
19. Cancer and other malignant tumors of the digestive tube and of the peritoneum (46)
20. Cancer and other malignant tumors of the respiratory apparatus (47)
21. Cancer and other malignant tumors of the uterus (48)
22. Cancer and other malignant tumors of the breast (50)
23. Cancer and other malignant tumors of other organs and of organs not specified (49, 51 to 55)
24. Tumors which are not malignant or the malignant character of which is not specified (56 and 57)

III. *Rheumatic diseases, nutritional diseases, diseases of the endocrine glands, other general diseases, avitaminoses*

25. Acute febrile articular rheumatism (58)
26. Chronic rheumatism and gout (59, 60)
27. Diabetes mellitus (61)
28. Diseases of the thyroid gland and of the parathyroid glands (63)
29. Other general diseases (62, 64 to 66)
30. Avitaminoses (67 to 71)

IV. *Diseases of the blood and of the hematopoietic organs*

31. Pernicious and other anemias (73)
32. Leukemia, aleukemia, and other diseases of the blood and of the hematopoietic organs (72, 74 to 76)

V. *Chronic poisonings and intoxications*

33. Acute or chronic alcoholism (77)
34. Other chronic poisonings (78, 79)

VI. *Diseases of the nervous system and of the sense organs*

35. Nonmeningococcal meningitis (81)
36. Diseases of the spinal cord, except locomotor ataxia (82)
37. Intracranial lesions of vascular origin (83)
38. Mental diseases and deficiencies (84)
39. Epilepsy (85)
40. Other diseases of the nervous system (80, 86, 87)
41. Diseases of the eye, of the ear, and of their annexes (88, 89)

VII. *Diseases of the circulatory system*

42. Pericarditis, including chronic rheumatic pericarditis (90)
43. Chronic affections of the cardiac valves and of the endocardium (92)
44. Diseases of the myocardium, including aneurysm of the heart (93)
45. Diseases of the coronary arteries and angina pectoris (94)
46. Other heart diseases (91 and 95)
47. Arteriosclerosis and gangrene (97 and 98)
48. Other diseases of the circulatory system (96, 99 to 103)

VIII. *Diseases of the respiratory system*

49. Bronchitis (106)
50. Pneumonias (107 to 109)
51. Nontubercular pleurisy (110)
52. Other diseases of the respiratory system except tuberculosis (104, 105, 111 to 114)

IX. *Diseases of the digestive system*

53. Ulcer of the stomach and of the duodenum (117)
54. Diarrhea and enteritis under 2 years (119)
55. Diarrhea, enteritis, and intestinal ulceration, 2 years and over (120)
56. Appendicitis (121)
57. Hernia, intestinal obstruction (122)
58. Cirrhosis of the liver (124)
59. Other diseases of the liver and the gall bladder, including biliary calculi (125 to 127)
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TELECOMMUNICATION: REGIONAL RADIO FOR CENTRAL AMERICA, PANAMA, AND THE CANAL ZONE

Convention signed at Guatemala City December 8, 1938

Senate advice and consent to ratification July 21, 1939

*Ratified by the President of the United States in behalf of the Canal
Zone August 11, 1939*

*Ratification of the United States in behalf of the Canal Zone deposited
at Guatemala City September 8, 1939*

Proclaimed by the President of the United States September 18, 1939

Entered into force October 8, 1939

54 Stat. 1675; Treaty Series 949

REGIONAL RADIO CONVENTION FOR CENTRAL AMERICA, PANAMA AND THE CANAL ZONE, SIGNED IN THE CITY OF GUATEMALA, DECEMBER EIGHTH, ONE THOUSAND NINE HUNDRED AND THIRTYEIGHT

The undersigned, representatives of the Governments of Costa Rica, El Salvador, The United States of America in behalf of the Canal Zone, Guatemala, Honduras, Nicaragua and Panamá, after examination of their credentials, which were found to be in correct and proper form, constitute the Regional Radio Conference of Central America, Panamá and the Canal Zone, as follows:

For the Republic of Costa Rica:

His Excellency Rafael Castro Quczada;

For the Republic of El Salvador:

Messrs. J. Federico Mejía, and Fidel Villacorta;

For the United States of America:

His Excellency Fay Allen Des Portes;

Mr. Harvey B. Otterman;

Lt. Col. David M. Crawford, U.S.A.;

Lt. Cmdr. M. W. Arps, U.S.N.;

Messrs. Gerald C. Gross, and Walter H. McKinney.

For the Republic of Guatemala:

Messrs. Luis Schlesinger Carrera;

Arturo Peralta;
 Jorge F. Sánchez;
 Ramiro Fernández;
 J. B. McElroy;
 Walter C. Bay;

For the Republic of Honduras:

His Excellency Luciano Milla Cisneros;

For the Republic of Nicaragua:

His Excellency Hildebrando Castellón;

Mr. H. J. Phillips, Jr.;

For the Republic of Panamá:

The Honorable Teodoro Rudeke,

who by common consent, and subject to the ratification of the respective Governments, have concluded in the City of Guatemala, this eighth day of December, one thousand, nine hundred and thirty eight, the following Convention, in accordance with the provisions of Article 7, Paragraph 8, Section 1, Sub-section 3, Division *b*) and *c*) of the General Radio Regulations of Cairo, 1938,¹ annexed to the International Telecommunications Convention of Madrid, 1932:

PART ONE

Allocations

In view of the special requirements of the several states of Central America, Panamá and the Canal Zone with respect to broadcasting, there is established, in the radio frequency band of 2300 kc. to 2400 kc. the following allocation table:

Administrations	Frequencies in Kilocycles	
	<i>Primary</i>	<i>Secondary</i>
Costa Rica	2330	2370
El Salvador	2300	2360
Guatemala	2320	2400
Honduras	2380	2340
Nicaragua	2350	2400
Panamá	2310	2340
The Canal Zone	2390	2370

PART TWO

Engineering Principles

The following basic engineering principles have been adopted in order to arrive at the allocations above specified:

a) The primary frequency assignments to contiguous administrations must be at least twenty (20) kilocycles apart;

¹ 54 Stat. 1419; TS 948, p. 143.

b) The primary and secondary assignments to the same administration must be at least twenty (20) kilocycles apart;

c) The secondary assignments to contiguous administrations should be separated by at least twenty (20) kilocycles, but when necessary secondary assignments to contiguous countries may be only ten (10) kilocycles apart;

d) All broadcast frequency assignments shall end in zero;

e) The power of primary stations and the types of the antennae must be so chosen as to comply with the provisions of Article 7, paragraph 8, Section I, Subsection 3, division b) of the General Radio Regulations of Cairo, 1938.

The power of secondary stations is limited to two hundred and fifty (250) watts;

f) All broadcasting stations must comply with the requirements for broadcasting stations as contained in the tolerance table in Appendix I of the General Radio Regulations of Cairo, 1938;

g) Frequencies ending in zero and not assigned as primary frequencies may also be used for tertiary broadcasting on a non-interfering basis. Such use must be modified or discontinued immediately upon notice of interference from the government having priority on the frequency concerned.

PART THREE

Legal Principles

The distribution contained in this Convention is based on the following legal principles:

a) The participating governments consider that this convention has the character of a regional agreement;

b) The governments agree that the band 2300 to 2350 kilocycles is assigned exclusively for broadcasting in General America and Panamá, subject to no interference by any other services in this region.

In this connection, it is agreed that, in time of peace, the military services of land, maritime, or air forces of the United States of America operating in the vicinity of the Panamá Canal Zone will not interfere on channels assigned for broadcasting to the Governments of Central America and Panamá in this band;

c) In order to provide a separate, primary broadcast channel for each of the seven Governments represented at this Conference, with no secondary broadcast channel on the primary channel, it is agreed that the frequency of 2380 kilocycles be assigned to Honduras as a primary broadcast channel, and it is agreed by all governments represented that the assignment to Honduras of a primary frequency in the band 2350 to 2400 kilocycles does not establish a precedent nor limit in any way whatever rights may be held by the United States of America to the use of frequencies in the band 2350 to 2400 kilocycles subject to non-interference from broadcasting stations in Cen-

tral America and Panamá in accordance with the General Radio Regulations of Cairo, 1938.

However, the Government of the United States agrees that, insofar as practicable, its use in the geographical area covered by this Conference of frequencies other than those now in use in the band 2350 to 2400 kilocycles and furnished to the Conference will be on a basis of non-interference to broadcasting in Central America and Panamá.

PART FOUR

General Provisions

a) During the time this Convention is in force, each Government agrees not to use any primary channel assigned to any of the other contracting Governments, except as provided elsewhere in this Convention;

b) The participating Governments acknowledge the right of the military services to use the band of 2300 kilocycles to 2400 kilocycles for military purposes, subject to the provisions and restrictions of paragraphs b) and c), Part Three, of this Convention;

c) The present Convention shall be ratified by the contracting Governments in conformity with their respective constitutional procedures;

d) The ratifications shall be deposited with the Ministry of Foreign Relations of the Government of Guatemala, which shall notify such ratifications, as soon as possible, to the Governments concerned;

e) The present Convention shall become effective, as between the ratifying Governments, thirty days after instruments of ratification have been deposited by at least two of them, with the Ministry of Foreign Relations of the Government of Guatemala;

f) The present Convention may be denounced by notification addressed to the depository Government, which shall become effective as regards the denouncing Government one year after the date of receipt thereof.

The depository Government shall notify all participating Governments, including the denouncing Government, of the denunciations received;

g) The present Convention is drafted in Spanish and English and both texts shall have equal force;

h) The participating Governments recognize that, in spite of the efforts which have been made to arrive at a satisfactory agreement, it is impossible to assure, without actual operation, the completely effective functioning of this agreement, and provision is accordingly made for its revision. Such revision may be made by a future Conference called by a majority of the Governments which have ratified this Convention;

i) Nothing in this agreement shall be construed as precluding the consummation by the United States of America, of other radio agreements concerning the defense of the Canal Zone.

Done in the City of Guatemala, Republic of Guatemala, on the eighth day of December, in the year One Thousand, Nine Hundred and Thirtyeight.

Costa Rica,
R. CASTRO Q.

El Salvador,
J. FEDERICO MEJÍA
FIDEL VILLACORTA

United States of America, in behalf of
the Canal Zone
FAY ALLEN DES PORTES
HARVEY B. OTTERMAN
D. M. CRAWFORD
M. W. ARPS
GERALD C. GROSS

Guatemala,
L. SCHLESINGER CARRERA
J. F. SÁNCHEZ
J. B. McELROY
ARTURO PERALTA
RAMIRO FERNÁNDEZ
WALTER C. BAY

Honduras,
With the reservations made in the
Final Act [translation],²
L. MILLA CISNEROS

Nicaragua,
H. CASTELLÓN
H. J. PHILLIPS, JR.

Panamá,
TEODORO RUDEKE

² The Honduran reservations read, in translation, as follows:

"At this session, the delegate for the Government of Honduras requests that it be recorded in the Final Act that when the convention resulting from this conference was signed, he signed with the appropriate reservations to permit his Government to make any pertinent resolutions, in accordance with the rights it may have under the provisions of the Cairo conference, to which it was signatory."

INTER-AMERICAN SOLIDARITY (DECLARATION OF LIMA)

Declaration adopted by the Eighth International Conference of American States at Lima December 24, 1938

Report of the Delegation of the United States of America to the Eighth International Conference of American States, Lima, Peru, December 9-27, 1938 (Washington, U.S. Government Printing Office, 1941), p. 189.

DECLARATION OF THE PRINCIPLES OF THE SOLIDARITY OF AMERICA *The Eighth International Conference of American States*

CONSIDERING:

That the peoples of America have achieved spiritual unity through the similarity of their republican institutions, their unshakeable will for peace, their profound sentiment of humanity and tolerance, and through their absolute adherence to the principles of international law, of the equal sovereignty of States and of individual liberty without religious or racial prejudices;

That on the basis of such principles and will, they seek and defend the peace of the continent and work together in the cause of universal concord;

That respect for the personality, sovereignty, and independence of each American State constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties in force; and

That the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires, approved on December 21, 1936, the Declaration of the Principles of Inter-American Solidarity and Cooperation,¹ and approved, on December 23, 1936, the Protocol of Non-intervention,²

The Governments of the American States

DECLARE:

First. That they reaffirm their continental solidarity and their purpose to collaborate in the maintenance of the principles upon which the said solidarity is based.

¹ *Ante*, p. 300.

² TS 923, *ante*, p. 343.

Second. That faithful to the above-mentioned principles and to their absolute sovereignty, they reaffirm their decision to maintain them and to defend them against all foreign intervention or activity that may threaten them.

Third. And in case the peace, security or territorial integrity of any American Republic is thus threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, established by conventions in force and by declarations of the Inter-American Conferences, using the measures which in each case the circumstances may make advisable. It is understood that the Governments of the American Republics will act independently in their individual capacity, recognizing fully their juridical equality as sovereign states.

Fourth. That in order to facilitate the consultations established in this and other American peace instruments, the Ministers for Foreign Affairs of the American Republics, when deemed desirable and at the initiative of any one of them, will meet in their several capitals by rotation and without protocolary character. Each Government may, under special circumstances or for special reasons, designate a representative as a substitute for its Minister for Foreign Affairs.

Fifth. This Declaration shall be known as the "Declaration of Lima".

[The above declaration was incorporated in the final act of the Eighth International Conference of American States, which was signed on December 27, 1938, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]

PROCEDURE OF CONSULTATION (INTER-AMERICAN)

Declaration adopted by the Eighth International Conference of American States at Lima December 24, 1938

Report of the Delegation of the United States of America to the Eighth International Conference of American States, Lima, Peru, December 9-27, 1938 (Washington, U.S. Government Printing Office, 1941), p. 188.

IMPROVEMENT IN THE PROCEDURE OF CONSULTATION

WHEREAS:

In addition to the cases susceptible of originating consultation between the American Republics, contemplated in the resolutions adopted by the Conference for the Maintenance of Peace in 1936, it is mutually desirable to extend the procedure of voluntary coordination to other aspects of continental solidarity; and

Although the form and development of consultation will depend in each case upon the nature of the event which gives rise to it and upon its greater or lesser importance or urgency, this consultation must take place with the attendance of the Ministers of Foreign Affairs whenever personal contact is required,

The Eighth International Conference of American States

DECLARES:

1. That the procedure of consultation, provided for in the conventions and resolutions adopted by the Inter-American Conference for the Maintenance of Peace, may also be applied, on the initiative of one or more Governments and with the previous agreement of the others, to any economic, cultural or other question which, by reason of its importance, justifies this procedure and in the examination or solution of which the American States may have a common interest.
2. That in those cases where the consultation requires personal contact, it shall take place with the attendance of the Ministers of Foreign Affairs or of their specially authorized representatives.

[The above declaration was incorporated in the final act of the Eighth International Conference of American States, which was signed on December 27, 1938, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay and Venezuela.]

PAN AMERICAN UNION

*Resolution adopted by the Eighth International Conference of American States at Lima December 24, 1938*¹

Report of the Delegation of the United States of America to the Eighth International Conference of American States, Lima, Peru, December 9-27, 1938 (Washington, U.S. Government Printing Office, 1941), p. 185

FUNCTIONS OF THE PAN AMERICAN UNION

WHEREAS:

The Inter-American Conference for the Maintenance of Peace requested the Governing Board of the Pan American Union to make a study of measures which might be adopted in order to broaden the sphere of action of the Pan American Union;

The report of the Governing Board states that within the limitations of its budget the Union is organized to fulfill the duties entrusted to it by the resolutions of the International Conferences of American States; and

The changes made in the present administrative organization of the Pan American Union will depend upon the additional functions assigned to the Union by the International Conferences of American States,

The Eighth International Conference of American States

RESOLVES:

1. To recommend to the Governing Board of the Pan American Union that it decide upon the administrative organization that will best enable the Union to discharge properly the functions entrusted to it by the resolution which determines its organization and by other resolutions of International Conferences of American States.

¹In addition, the Eighth Conference adopted a resolution requesting the Governing Board of the Union to convoke, whenever necessary, conferences to consider "questions of a technical character of common interest to the countries members of the Union" and to give preference to "questions relating to the maintenance of peace and to those which should regulate the general political relations of the American Republics" (see *Report of the Delegation*, p. 184).

2. To recommend to the Governing Board that in determining the procedure to be followed in order to make effective the resolutions of the International Conferences of American States and the general purposes of the Pan American Union, it avail itself of the cooperation of those organizations which may aid in giving effect to the aforementioned purposes.

3. To recommend to the Governing Board that it study the budgetary needs of the Pan American Union arising from the additional duties entrusted to it by this Conference, and that it propose to the Governments the increase in appropriations required to maintain the necessary services to give effect to those duties; and that if no action is taken on this matter prior to the Ninth International Conference of American States, a report be submitted to that Conference.

[The above resolution was incorporated in the final act of the Eighth International Conference of American States, which was signed on December 27, 1938, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]

UNIVERSAL POSTAL UNION

*Convention, with final protocol, and provisions concerning transportation of regular mails by air, with final protocol, signed at Buenos Aires May 23, 1939; interpretations*¹

*Ratified and approved by the Postmaster General of the United States, with a statement, January 12, 1940*²

Approved by the President of the United States January 25, 1940

Entered into force July 1, 1940

*Terminated by convention of July 5, 1947*³

54 Stat. 2049; Post Office Department print

[TRANSLATION]

UNIVERSAL POSTAL CONVENTION

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¹ For text of regulations for execution of the convention, see 54 Stat. 2105; for postal forms annexed to the provisions concerning transportation of regular mails by air, see 54 Stat. 2258.

² The Postmaster General's ratification and approval contained the following statement: "This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8(1°), and to Samoa and the Panama Canal Zone."

³ *Post*, vol. 4.

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UNIVERSAL POSTAL CONVENTION

Concluded between Afghanistan, the Union of South Africa, Albania, Germany, the United States of America, the whole of the Possessions of the United States of America, the Kingdom of Saudi Arabia, the Argentine Republic, the Commonwealth of Australia, Belgium, the Colony of the Belgian Congo, Bolivia, Brazil, Bulgaria, Canada, Chile, China, the Republic of Colombia, the Republic of Costa Rica, the Republic of Cuba, Denmark, the Free City of Danzig, the Dominican Republic, Egypt, the Republic of El Salvador, Ecuador, Spain, the whole of the Spanish Colonies, Estonia, Finland, France, Algeria, the French Colonies and Pro-

tectorates in Indochina, the whole of the other French Colonies, the United Kingdom of Great Britain and Northern Ireland, the whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under Suzerainty or Mandate, Greece, Guatemala, the Republic of Haiti, the Republic of Honduras, Hungary, British India, Iran, Iraq, Ireland, Iceland, Italy, the whole of the Italian Colonies and Possessions other than Italian East Africa, Italian East Africa, Japan, Chosen, the whole of the other Japanese Dependencies, Latvia, the Levant States under French Mandate (Syria and Lebanon), the Republic of Liberia, Lithuania, Luxemburg, Morocco (except the Spanish Zone), Morocco (Spanish Zone), Mexico, Nicaragua, Norway, New Zealand, the Republic of Panama, Paraguay, the Netherlands, Curaçao and Surinam, the Netherlands Indies, Peru, the Commonwealth of the Philippines, Poland, Portugal, the Portuguese Colonies in West Africa, the Portuguese Colonies in East Africa, in Asia and Oceania, Rumania, the Republic of San Marino, Siam, Sweden, the Swiss Confederation, Czecho-Slovakia, Tunisia, Turkey, the Union of Soviet Socialist Republics, the Eastern Republic of Uruguay, the Vatican City State, the United States of Venezuela, Ycmen, and the Kingdom of Yugoslavia.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Buenos Aires by virtue of Article 13 of the Universal Postal Convention concluded at Cairo on March 20, 1934,⁴ have, by common consent and subject to ratification, revised the said Convention to read as follows:

TITLE I

UNIVERSAL POSTAL UNION

CHAPTER I

ORGANIZATION AND EXTENT OF THE UNION

ARTICLE 1

Constitution of the Union

The countries between which the present Convention is concluded form, under the name of *Universal Postal Union*, a single postal territory for the reciprocal exchange of correspondence.

The purpose of the Postal Union is also to assure the organization and perfection of the various international postal services.

⁴ *Ante*, p. 163.

ARTICLE 2

New adhesions. Procedure

Any country is permitted at any time to adhere to the Convention.

Notice of the adhesion shall be given thru diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of all the countries of the Union.

ARTICLE 3

Convention and Agreements of the Union

The regular-mail service is governed by the provisions of the Convention.

Other services, such as those of insured letters and boxes, parcel post, money orders, postal checks, collection orders, and subscriptions to newspapers and periodicals, form the subject of Agreements between countries of the Union.

Such Agreements are binding only upon countries which have adhered to them.

Adhesion to one or more of those agreements is subject to the provisions of Article 2.

ARTICLE 4

Regulations of Execution

The Postal Administrations of the countries of the Union draw up, by mutual agreement, in the form of Regulations of Execution,⁵ the measures of order and detail necessary for the execution of the Convention and the Agreements.

ARTICLE 5

Restricted Unions. Special Agreements

The countries of the Union and, insofar as their legislation is not opposed to it, the Administrations, may establish restricted Unions and make special agreements among themselves concerning the subjects dealt with in the Convention and its Regulations, on the condition, however, that they do not introduce therein any provisions less favorable, for the public, than those which are provided for by those Acts.

The same option is granted to the countries which participate in the Agreements and, as the case may be, to their Administrations, in regard to the subjects contemplated by those Acts and their Regulations.

⁵ See footnote 1, p. 539.

ARTICLE 6

Domestic legislation

The provisions of the Convention and Agreements of the Union do not affect the legislation of any country concerning anything which is not expressly provided for by those Acts.

ARTICLE 7

Exceptional relations

Administrations which serve territories not comprised in the Union are bound to act as intermediary for the other Administrations. The provisions of the Convention and its Regulations are applicable to such exceptional relations.

ARTICLE 8

Colonies, Protectorates, etc.

The following are considered as forming a single country or a single Administration of the Union, as the case may be, in the sense of the Convention and Agreements, particularly in regard to their right to vote in Congresses and Conferences and in the interval between meetings, as well as their contribution to the expenses of the International Bureau of the Universal Postal Union:

- 1° The whole of the Possessions of the United States of America, comprising Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States of America;⁶
- 2° The Colony of the Belgian Congo;
- 3° The whole of the Spanish Colonies;
- 4° Algeria;
- 5° The French Colonies and Protectorates in Indochina;
- 6° The whole of the other French Colonies;
- 7° The whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under Suzerainty or Mandate;
- 8° The whole of the Italian Colonies and Possessions other than Italian East Africa;
- 9° Italian East Africa;
- 10° Chosen;
- 11° The whole of the other Japanese Dependencies;
- 12° Curaçao and Surinam;
- 13° The Netherlands Indies;
- 14° The Portuguese Colonies in West Africa;
- 15° The Portuguese Colonies in East Africa, Asia and Oceania.

⁶ For a U.S. statement, see footnote 2, p. 539.

ARTICLE 9

Application of the Convention to Colonies, Protectorates, etc.

1. Any contracting party may declare, either at the time of its signature, ratification or adhesion, or subsequently, that its acceptance of the present Convention includes all its colonies, oversea territories, protectorates and territories under suzerainty or mandate, or certain of them only. The said declaration, unless made at the time of signing the Convention, shall be addressed to the Government of the Swiss Confederation.

2. The Convention will apply only to the colonies, oversea territories, protectorates or territories under suzerainty or mandate in whose name declarations have been made by virtue of Section 1.

3. Any contracting party may at any time address to the Government of the Swiss Confederation a notification with a view to denouncing the application of the Convention to any colony, oversea territory, protectorate or territory under suzerainty or mandate in the name of which that party has made a declaration by virtue of Section 1. That notification will become effective one year after the date of its receipt by the Government of the Swiss Confederation.

4. The Government of the Swiss Confederation will transmit to all the contracting parties a copy of every declaration or notification received by virtue of Sections 1 to 3.

5. The provisions of the present Article do not apply to any colony, oversea territory, protectorate or territory under suzerainty or mandate enumerated in the Preamble of the Convention.

ARTICLE 10

Extent of the Union

The following are considered as belonging to the Universal Postal Union:

(a) The post offices established by countries of the Union in territories not included in the Union;

(b) The Principality of Liechtenstein, as belonging to the Postal Administration of Switzerland;

(c) The Faeroe Islands as forming part of Denmark, and Greenland, as belonging to the Postal Administration of Denmark, in its capacity as a Danish colony;

(d) The Spanish possessions on the north coast of Africa, as forming part of Spain;

(e) The Valley of Andorra, as served by the Spanish and French Postal Administrations;

(f) The Principality of Monaco, as belonging to the Postal Administration of France;

(g) Walvis Bay, as forming part of the Union of South Africa; Basuto-

land and Swaziland, as belonging to the Postal Administration of the Union of South Africa.

ARTICLE 11
(See Interpretations)[†]

Arbitration

1. In case of disagreement between two or more members of the Union as to the interpretation of the Convention and Agreements, as well as their Regulations of Execution, or as to the responsibility imposed upon an Administration by the application of those Acts, the question in dispute is settled by arbitration. To that end, each of the Administrations concerned chooses another member of the Union which is not directly interested in the matter.

If one of the Administrations involved in the dispute does not take any action on a proposal for arbitration within a period of six months, or nine months in the case of distant countries, the International Bureau, if a request is made of it to that effect, calls upon the defaulting Administration to appoint an arbitrator, or appoints one itself officially.

2. The decision of the arbitrators is made on an absolute majority of votes.

3. In case of a tie vote, the arbitrators, for the purpose of settling the difference, choose another Administration which likewise has no interest in the dispute.

In case of disagreement as to a choice, that Administration is designated by the International Bureau from among the members of the Union not proposed by the arbitrators.

4. If it is a question of a dispute concerning one of the Agreements, only such Administrations as execute that Agreement may be designated as arbitrators.

ARTICLE 12

Withdrawal from the Union. Termination of participation in the Agreements

Any contracting party has the option of withdrawing from the Union or of ceasing to participate in the Agreements by notice given one year in advance thru diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of the contracting countries.

CHAPTER II

CONGRESSES. CONFERENCES. COMMITTEES

ARTICLE 13

Congresses

1. Delegates from the countries of the Union meet in Congress not later than five years after the effective date of the Acts of the preceding Congress, with a view to revising or completing those Acts, if necessary.

[†] *Post*, p. 600.

Each country is represented at the Congress by one or more plenipotentiary delegates, provided with the necessary credentials, by their Government. It may, if necessary, be represented by the delegation of another country. However, it is understood that a delegation may be charged with representing only two countries, including the one by which it was originally accredited.

In the deliberations, each country has but one vote.

2. Each Congress fixes the meeting-place of the next Congress. The latter is called together by the Government of the country in which it is to be held, in consultation with the International Bureau. That Government is likewise charged with notifying all the Governments of the countries of the Union of the decisions made by the Congress.

ARTICLE 14

Ratifications. Entry into force and duration of the Acts of Congresses

The Acts of Congresses are ratified as soon as possible, and the ratifications are communicated to the Government of the country where the Congress was held, and by that Government to the Governments of the contracting countries.

In case that one or more of the contracting countries do not ratify one or another of the Acts signed by them, the latter will nevertheless be valid for the countries which have ratified them.

Those Acts are put into effect simultaneously and have the same duration.

From the date fixed for the entry into force of the Acts adopted by a Congress, all the Acts of the preceding Congress are abrogated.

ARTICLE 15

Extraordinary Congresses

An extraordinary Congress is called together by agreement with the International Bureau when a request to that effect is made or approved by at least two-thirds of the contracting countries.

The rules laid down by Articles 13 and 14 are applicable to the delegations, the deliberations, and the Acts of extraordinary Congresses.

ARTICLE 16

Regulations for Congresses

Each Congress draws up the necessary regulations for its work and deliberations.

ARTICLE 17

Conferences

Conferences charged with the examination of purely administrative questions may be called together at the request or with the consent of at least two-thirds of the Administrations of the Union.

They are called together by agreement with the International Bureau. Each Conference draws up its own regulations.

ARTICLE 18

Committees

Committees charged by a Congress or a Conference with the study of one or more particular questions are called together by the International Bureau, in consultation, if necessary, with the Administration of the country where such Committees are to meet.

CHAPTER III

PROPOSITIONS IN THE INTERVAL BETWEEN MEETINGS

ARTICLE 19

Introduction of propositions

In the interval between meetings any Administration has the right to address to the other Administrations, thru the intermediary of the International Bureau, propositions concerning the Convention, its Final Protocol, and its Regulations.

The same right is accorded to the Administrations of the countries participating in the Agreements in regard to those Agreements, their Regulations, and their Final Protocols.

In order to be considered, all propositions introduced by an Administration in the interval between meetings must be supported by at least two other Administrations. Such propositions are ignored when the International Bureau does not receive, at the same time, the necessary number of declarations of support.

ARTICLE 20

Examination of propositions

Every proposition is submitted to the following procedure:

A period of six months is allowed for the Administrations to examine the propositions and send in their observations, if any, to the International Bureau. Amendments are not admitted. The replies are assembled by the International Bureau and communicated to the Administrations, with an invitation to pronounce themselves for or against. Those which have not sent in their votes within a period of six months are considered as abstaining. The periods above mentioned are counted from the dates of the circulars of the International Bureau.

If the proposition concerns an Agreement, its Regulations, or their Final Protocols, only the Administrations which have adhered to that Agreement may take part in the procedure indicated above.

ARTICLE 21

Conditions of approval

1. In order to become effective, the propositions must obtain:

(a) Unanimity of votes, if it is a question of adding new provisions or modifying the provisions of Titles I and II or of Articles 33 to 37, 54 to 59, 61 to 63, 65 to 68, 70 to 82 of the Convention, of any of the Articles of its Final Protocol, or of Articles 101, 105, 116, 164, 175 and 196 of its Regulations;

(b) Two-thirds of the votes, if it is a question of modifying provisions other than those mentioned in the preceding paragraph;

(c) A simple majority, if it is a question of interpreting the provisions of the Convention, its Final Protocol or its Regulations, except in the case of disagreement to be submitted to arbitration as provided for by Article 11.

2. The Agreements fix the conditions to which the approval of propositions concerning them is subject.

ARTICLE 22

Notification of decisions

Additions to and modifications of the Convention, the Agreements and the Final Protocols of those Acts are sanctioned by a diplomatic declaration which the Government of the Swiss Confederation is charged with making up and transmitting, at the request of the International Bureau, to the Governments of the contracting countries.

Additions to and modifications of the Regulations and their Final Protocols are drawn up and communicated to the Administrations by the International Bureau. The same applies to the interpretations contemplated in Article 21, Section 1, letter (c).

ARTICLE 23

Effective date of decisions

No addition or modification adopted is effective until at least three months after its notification.

CHAPTER IV

INTERNATIONAL BUREAU

ARTICLE 24

General functions

1. A central Office, operating at Berne under the name of *International Bureau of the Universal Postal Union*, and placed under the supervision of the Swiss Postal Administration, serves as an organ of liaison, information and consultation for the countries of the Union.

That Bureau is charged, in particular, with assembling, coordinating, publishing and distributing information of all kinds concerning the international postal service; with giving, at the request of the interested parties, an opinion on questions in dispute; with making known requests for modification of the Acts of the Congress; with giving notice of the changes adopted; and, in general, with undertaking such studies and work in connection with editing and arranging material as the Convention, the Agreements and their Regulations may assign to it, or which may be entrusted to it in the interests of the Union.

2. It acts as a clearing-house for the settlement of accounts of all kinds relative to the international postal service, between Administrations requesting such intervention.

ARTICLE 25

Expenses of the International Bureau

1. Each Congress fixes the maximum figure for the ordinary annual expenses of the International Bureau.

Those expenses, as well as the extraordinary expenses arising from the meeting of a Congress, a Conference or a Committee, and the expenses incurred in connection with special work entrusted to that Bureau, are shared by all the countries of the Union.

2. The latter are divided, for that purpose, into 7 classes, each of which contributes to the payment of the expenses in the following proportion:

1st class,	25	units
2d	"	20 "
3d	"	15 "
4th	"	10 "
5th	"	5 "
6th	"	3 "
7th	"	1 unit

3. In case of a new adhesion, the Government of the Swiss Confederation determines, by mutual agreement with the Government of the country concerned, the class in which the latter is to be placed for the apportionment of the expenses of the International Bureau.

TITLE II

GENERAL REGULATIONS

SOLE CHAPTER

ARTICLE 26

(See Interpretations)⁸

Liberty of transit

1. Liberty of transit is guaranteed thruout the entire territory of the Union.
2. Liberty of transit for parcel post to be sent by the land and sea routes is limited to the territory of countries participating in that service.

Insured articles may be sent in transit in closed mails thru the territory of countries which do not take part in such service, or by maritime services where responsibility for insured articles is not accepted by the countries, but the responsibility of those countries is limited to that prescribed for registered articles.

3. Liberty of transit for airmail parcels is guaranteed thruout the entire territory of the Union. However, the Administrations which have not adhered to the Agreement concerning parcel post may not be obliged to participate in the transmission of air-mail parcels by the land and sea routes.

ARTICLE 27

Prohibition against unauthorized charges

It is forbidden to collect postal charges of any kind whatever other than those prescribed by the Convention and Agreements.

ARTICLE 28

Temporary suspension of services

When, as a result of exceptional circumstances, an Administration finds itself obliged to suspend the execution of services temporarily, in whole or in part, it is bound to give notice thereof immediately, by telegraph if necessary, to the Administration or Administrations concerned.

ARTICLE 29

Monetary standard

The franc used as the monetary unit in the provisions of the Convention and Agreements is the gold franc of 100 centimes weighing 10/31 of a gram and having a fineness of 0.900.

⁸ *Post*, p. 600. See also final protocol, p. 578.

ARTICLE 30

Equivalents

In each country of the Union, the postage rates are fixed according to equivalents corresponding as exactly as possible to the value of the franc in the money of that country.

ARTICLE 31

Forms. Language

1. The forms used by the Administrations in their reciprocal relations shall be drawn up in the French language, with or without an interlinear translation in another language, unless the Administrations concerned arrange otherwise by direct agreement.

2. The forms used by the public shall include an interlinear translation in the French language when they are not printed in that language.

3. The texts, colors and dimensions of the forms mentioned in Sections 1 and 2 shall be those prescribed by the Regulations of the Convention and of the Agreements.

4. Administrations may come to agreements as to the language to be employed for official correspondence in their reciprocal relations.

ARTICLE 32

Identity cards

1. Any Administration may issue, to persons who apply for them, identity cards valid as proof of identity for all postoffice business in the countries which have not given notice of their refusal to admit them.

2. The Administration issuing an identity card is authorized to collect a charge therefor not exceeding 70 centimes.

3. Administrations are released from all responsibility when it is proved that a mail article was delivered or a money order paid upon presentation of a valid identity card.

Neither are they responsible for the consequences of loss, theft or fraudulent use of a valid identity card.

4. The identity card is valid for three years from the date of issue.

TITLE III

PROVISIONS CONCERNING POSTAL CORRESPONDENCE

CHAPTER I

GENERAL PROVISIONS

ARTICLE 33

Articles of correspondence

The term *articles of correspondence* applies to letters, single and reply-

paid post cards, commercial paper, prints, raised print for the blind, samples of merchandise, small packets, and *Phonopost* articles.

The service of small packets is limited to the countries which agree to execute it in their reciprocal relations or in one direction only.

ARTICLE 34

(See Interpretations)⁹

Postage rates and general conditions

1. The postage rates for the transportation of articles of correspondence throughout the entire extent of the Union, including their delivery at the residence of the addressees in countries where the delivery service is or may be established, and the limits of weight and dimensions, are fixed in accordance with the indications of the following table:

Articles 1	Units of weight 2	Rates 3	Limits of—	
			Weight 4	Dimensions 5
Letters {First unit of weight. Each additional unit.}	g 20	c { 20 12 }	2 kg.	Length, breadth, and thickness combined, 90 cm.; but greatest length, 60 cm.; in rolls: length and twice the diameter, 100 cm.; but greatest length, 80 cm. Maximum 15 by 10.5 cm.; minimum 10 by 7 cm. As for letters. Prints sent open in the form of folded or unfolded cards are subject to the same minimum limits as post cards.
Post cards {Single. With reply paid.}		12 24		
Commercial papers.	50	4	2 kg.	
Minimum charge.		20		
Prints.	50	4	2 kg. (3 kg. for single volumes).	
Raised print for the blind.	1,000	2	7 kg.	
Samples of merchandise.	50	4	500 g.	
Minimum charge.		8		
Small packets.	50	8	1 kg.	
Minimum charge.		40		
<i>Phonopost</i> articles {First unit of weight. Each additional unit.}	20	{ 15 10 }	60 g.	Length, breadth, and thickness combined, 60 cm.; but the greatest dimension may not exceed 26 cm.

2. The limits of weight and dimensions fixed by Section 1 do not apply to the correspondence relative to the postal service mentioned in Article 49, Section 1, hereafter.

⁹ *Post*, p. 601. See also final protocol, p. 577.

3. In relations with Administrations which have given their consent, each Administration has the option of granting to newspapers and periodicals published in its country a reduction of 50 percent in the general rate for prints, while reserving the right to limit that reduction to newspapers and periodicals sent direct by the publishers or their representatives. There are excluded from the reduction, regardless of the regularity of their publication, commercial prints such as catalogs, prospectuses, price lists, etc.

Administrations may also, with the consent of the Administrations of destination, grant the same reduction, irrespective of the senders, to books and pamphlets, sheet-music and maps which do not contain any publicity or advertising other than that appearing on the covers or fly-leaves of these articles.

In a general manner, the Administrations of origin which have accepted, in principle, the reduction of 50 percent, reserve the right to fix, for the articles contemplated in the 1st and 2d paragraphs above, a minimum charge which, while remaining within the limits of the reduction of 50 percent, is not lower than the charge applicable to the same articles in their domestic service.

4. Articles other than registered letters in sealed envelopes may not contain coins, banknotes, paper money or any values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

5. The Administrations of the countries of origin and destination have the option of treating, in accordance with their domestic legislation, letters which contain documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

6. With the exceptions provided for in the Regulations, commercial papers, prints, prints for the use of the blind, samples of merchandise, and small packets shall:

- (a) be made up in such a way as to be able to be easily inspected;
- (b) not bear any annotation or contain any document having the character of actual personal correspondence;
- (c) not contain any postage stamp or form of prepayment, canceled or uncanceled, or any paper representing a value.

7. Packages of samples of merchandise may not contain any article having a salable value.

8. The service of *Phonopost* articles is limited to the countries which have agreed to exchange such articles, either in their reciprocal relations or in one direction only.

The provisions applicable to letters are likewise applicable to *Phonopost* articles, in regard to everything not expressly prescribed for the latter class of articles.

9. The inclusion in a single package of articles of correspondence of different classes (grouped articles) is authorized under the conditions fixed by the Regulations.

10. With the exceptions provided for by the Convention and its Regulations, articles which do not fulfill the conditions prescribed by the present Article and the corresponding Articles of the Regulations are not forwarded.

Articles which have been wrongly accepted shall be returned to the country of origin. However, the Administration of destination is authorized to deliver them to the addressees. In such a case, it applies to them, if need be, the rates and surcharges prescribed for the class of correspondence in which they have to be placed because of their contents, weight or dimensions. As for articles exceeding the maximum weight-limits fixed by Section 1, they may be rated in accordance with their actual weight.

ARTICLE 35

(See Interpretations)¹⁰

Prepayment

As a general rule, all the articles designated in Article 33 must be fully prepaid by the sender.

Articles other than letters and single post cards which are unprepaid or insufficiently prepaid, or reply post cards both halves of which are not fully prepaid at the time of mailing, are not dispatched.

ARTICLE 36

Charge on unprepaid or insufficiently prepaid correspondence

With the exceptions provided for by Article 54, Section 5, for registered articles, and by Article 147, Sections 3, 4, and 5 of the Regulations for certain classes of redirected articles, letters and single post cards not prepaid or insufficiently prepaid are liable to a charge equal to double the amount of the missing postage, to be paid by the addressee; but that charge may not be lower than 5 centimes.

The same treatment may be applied, in the cases above contemplated, to other articles of correspondence which have been improperly dispatched to the country of destination.

ARTICLE 37

Surcharges

There may be collected, in addition to the rates fixed by Article 34, for every article transported by extraordinary services involving special expenses, a surcharge proportionate to those expenses.

¹⁰ *Post*, p. 601.

When the rate of prepayment of the single post card includes the surcharge authorized by the preceding paragraph, the same rate is applicable to each half of the reply-paid post card.

ARTICLE 38

Special charges

1. The Administrations are authorized to charge late fees in accordance with the provisions of their own legislation for articles posted in their services for dispatch after the mails have closed.

2. Articles addressed to general delivery may be subjected by the Administrations of the countries of destination to such special charge as may be prescribed by their legislation for articles of the same kind in the domestic service.

3. The Administrations of the countries of destination are authorized to levy a special charge of 40 centimes at most for each small packet delivered to the addressee. That charge may be increased by 20 centimes at most in case of delivery at the addressee's residence.

ARTICLE 39

Dutiable articles

Small packets and prints liable to customs duty are admitted.

The same applies to letters and samples of merchandise containing dutiable articles when the country of destination has given its consent.

Shipments of serums and vaccines, benefiting by the exception stipulated by Article 123 of the Regulations, are admitted in all cases.

ARTICLE 40

Customs inspection

The Administration of the country of destination is authorized to submit the articles mentioned in Article 39 to customs inspection and, if necessary, to open them officially.

ARTICLE 41

Customs-clearance fee

Articles submitted to customs inspection in the country of destination may be charged on that account, by the postal service, with a customs-clearance fee of 40 centimes at most per article.

ARTICLE 42

Customs duties and other non-postal charges

The Administrations are authorized to collect from the addressees of mail articles the customs duties and all other non-postal charges which may be due.

ARTICLE 43

(See Interpretations)¹¹*Prepayment of customs duty, etc.*

1. In relations between countries which have come to an agreement to that effect, senders may, by means of a previous declaration at the office of mailing, assume payment of the whole of the postal and non-postal charges with which the articles are assessed on delivery.

In such a case, senders must promise to pay such amounts as may be claimed by the office of destination, and, if need be, post sufficient surety.

The Administration of destination is authorized to collect a commission fee which may not exceed 40 centimes per article. This fee is independent of the one provided for by Article 41.

2. Any Administration has the right to limit this prepayment service to registered articles.

ARTICLE 44

Cancellation of customs duty and other non-postal charges

The Administrations undertake to make representations to the interested services of their countries with a view to having the customs duties and other non-postal charges annulled on articles returned to the country of origin, destroyed because of complete deterioration of the contents, or forwarded to a third country.

ARTICLE 45

(See Interpretations)¹¹*Special-delivery articles*

1. Articles of correspondence are, at the request of the senders, delivered to the addressees by special messenger immediately after their arrival, in countries whose Administrations agree to undertake that service in their reciprocal relations.

2. Such articles, known as *special-delivery articles*, are liable, in addition to the regular postage, to a special fee amounting at least to the postage on an ordinary single-rate letter, and at most to 60 centimes. This fee must be fully prepaid.

3. When the addressee's residence is situated outside the local delivery zone of the office of destination, delivery by special messenger may give rise to the collection of a supplementary charge not exceeding that collected in the domestic service for articles of the same kind.

However, special delivery is not obligatory in such cases.

¹¹ *Post*, p. 601.

4. Special-delivery articles upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means, unless they have been treated as special-delivery articles by the office of origin. In the latter case, the articles are rated in accordance with the provisions of Article 36.

5. It is permissible for Administrations to make only one attempt to deliver by special messenger. If such attempt is unsuccessful, the article may be treated as an ordinary article.

ARTICLE 46

Prohibitions

1. The sending of the articles mentioned in Column 1 of the table below is prohibited. When mail articles containing them have been wrongly accepted for mailing, they shall undergo the treatment indicated in Column 2.

Articles 1	Treatment of articles wrongly accepted 2
<p>(a) Articles which, by their nature or packing, may expose postal employees to danger, or soil or damage the mails;</p> <p>(b) Articles liable to customs duty (with the exceptions provided for by Article 39) as well as samples sent in quantities for the purpose of avoiding the collection of such duty;</p> <p>(c) Opium, morphine, cocaine, and other narcotics;</p> <p>(d) Articles whose admission or circulation is prohibited in the country of destination;</p> <p>(e) Live animals, with the exception of:</p> <p>1° Bees, leeches and silkworms;</p> <p>2° Parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies;</p> <p>(f) Explosive, inflammable or dangerous substances;</p> <p>(g) Obscene or immoral articles.</p>	<p>To be treated in accordance with the domestic regulations of the Administration which discovers their presence; however, the articles mentioned under (c) are in no case either forwarded to destination, delivered to the addressees or returned to origin;</p> <p>To be destroyed on the spot by the Administration which discovers their presence.</p>

2. In cases where articles wrongly accepted for mailing are neither returned to origin nor delivered to the addressee, the dispatching Administration shall be notified, in a precise manner, of the disposal made of such articles.

3. Moreover, the right is reserved for any country not to convey in transit in open mail over its territory articles other than letters and post cards in regard to which the legal provisions regulating the conditions of their publication or circulation in that country have not been observed.

Such articles shall be returned to the country of origin.

ARTICLE 47

Methods of prepayment

1. Prepayment of postage is effected either by means of postage stamps valid in the country of origin for the correspondence of private individuals, or by means of impressions of stamping machines officially adopted and operating under the immediate control of the Administration; or, in the case of prints, by means of impressions, printed or otherwise obtained, when such a system of indicia is authorized by the domestic regulations of the Administration of origin.

2. The following are considered as duly prepaid: Reply post cards bearing printed or adhesive postage stamps of the country of issue of such cards; articles regularly prepaid for their first transmission on which the additional postage has been paid before their redirection; as well as newspapers or packages of newspapers and periodicals whose address bears the words *Abonnements-poste* (Subscription by mail) which are sent under the Agreement concerning subscriptions to newspapers and periodicals.

ARTICLE 48

Prepayment of correspondence on board ships

Correspondence mailed on the high seas, in the box on board a vessel, or handed to postal agents on board or to the commanders of vessels, may be prepaid, barring contrary agreement between the Administrations concerned, by means of the postage stamps and according to the postage rates of the country to which the said vessel belongs or by which it is maintained. If the mailing on board takes place during the stay at one of the two terminal points of the voyage or at one of the ports of call, the prepayment is valid only if it is effected by means of the postage stamps and according to the postage rates of the country in whose waters the vessel happens to be.

ARTICLE 49

Franking privilege

1. Correspondence relating to the postal service exchanged between Postal Administrations, between those Administrations and the International Bureau, between post offices of countries of the Union, and between those offices and the Administrations, as well as that for which the franking privilege is expressly provided by the stipulations of the Convention, the Agreements and their Regulations, is exempt from all postal charges.

2. Except when they bear C. O. D. charges, mail articles addressed to prisoners of war or mailed by them are likewise exempt from all postal charges, not only in the countries of origin and destination but also in the intermediary countries.

The same is true of correspondence concerning prisoners of war, sent or received either directly or as intermediary by the information offices which may be established on behalf of such persons in belligerent countries or in neutral countries which have received belligerents on their territory.

Belligerents received and interned in a neutral country are assimilated to prisoners of war properly so called, insofar as the application of the above provisions is concerned.

ARTICLE 50

Reply coupons

Reply coupons are placed on sale in the countries of the Union.

Their selling-price is determined by the interested Administrations, but may not be less than 28 centimes or the equivalent in money of the country selling them.

Each coupon is exchangeable in any country for a stamp or stamps representing the postage on a single-rate ordinary letter originating in that country and addressed to a foreign country.

Moreover, the right is reserved for any country to require that the reply coupons and the articles of correspondence for the prepayment of which they are to be exchanged be presented at the same time.

ARTICLE 51

(See Interpretations)¹²

Withdrawal. Change of address

1. The sender of an article of correspondence may cause it to be withdrawn from the mails or have its address changed, provided that such article has not been delivered to the addressee.

2. The request to be made to that effect is sent by mail or by telegraph at the expense of the sender, who shall pay, for every request by mail, the charge applicable to a single-rate registered letter; and, for every request by telegraph, the charge for the telegram.

If the request for withdrawal or modification of address relates to several articles mailed simultaneously at the same office by the same sender addressed to the same addressee, the sender pays, for every request by mail, the charge applicable to one single-rate registered letter; and, for every request by telegraph, the charge for the telegram containing the particulars of all the articles contemplated.

ARTICLE 52

Forwarding. Undelivered correspondence

1. In case of change of residence by the addressee, articles of correspondence are forwarded to him, unless the sender has forbidden the forwarding

¹² *Post*, p. 602. See also final protocol, p. 576.

by a notation placed on the address side in a language known in the country of destination.

2. Correspondence which is undeliverable shall be returned immediately to the country of origin.

3. The period of retention for correspondence held at the disposal of the addressees or addressed to general delivery is fixed by the regulations of the country of destination. However, such period may not exceed two months as a general rule, except in particular cases where the Administration of destination deems it necessary to extend it to four months at most. The return to the country of origin must take place within a shorter period, if the sender has so requested by a notation placed on the address side in a language known in the country of destination.

4. Prints without value are not returned, unless the sender has requested their return by a notation placed on the article. Registered prints shall always be returned.

5. The forwarding of articles of correspondence from country to country, or their return to the country of origin, does not give rise to the collection of any additional charge, apart from the exceptions provided for by the Regulations.

6. Forwarded or returned articles of correspondence are delivered to the addressees or senders upon payment of the charges due on them on departure, on arrival or in the course of transmission, as a result of redirection after the first transmission, without prejudice to the repayment of the customs duties or other special charges which the country of destination does not agree to cancel.

7. In case of forwarding to another country, or of non-delivery, the general-delivery fee, the customs-clearance fee, the commission fee, the additional special-delivery fee, and the special fee for the delivery of small packets to the addressees, are canceled.

ARTICLE 53

(See Interpretations)¹³

Inquiries and requests for information

1. An inquiry or request for information as to the disposal made of any article may give rise to the collection of a fee of 40 centimes at most.

That fee is collected only once for inquiries or requests for information concerning several articles mailed simultaneously by the same sender addressed to the same addressee.

As for registered articles, no fee is collected if the sender has already paid the special fee for a return receipt.

2. Inquiries are accepted only within the period of one year, counting from the day following the date of mailing of the article.

¹³ *Post*, p. 602.

However, every Administration is bound to comply with simple requests for information presented after that period which it receives from another Administration regarding articles mailed less than two years previously.

3. Every Administration is obliged to accept inquiries and requests for information concerning articles mailed on the territory of other Administrations.

4. When an inquiry or a request for information has been made necessary thru a fault of the service, the fee collected therefor is returned.

CHAPTER II

REGISTERED ARTICLES

ARTICLE 54

Charges

1. The articles of correspondence designated in Article 33 may be sent under registration.

2. The postage on all registered articles must be paid in advance. It consists of:

- (a) The ordinary postage on the article, according to its class;
- (b) A fixed registration fee of 40 centimes at most.¹⁴

The fixed registration fee applicable to the reply half of a post card can not be legally paid by anyone but the sender of that half.

3. A receipt shall be delivered without charge to the sender of a registered article at the time of mailing.

4. Countries disposed to undertake risks arising from *force majeure* (causes beyond control) are authorized to collect a special charge of 40 centimes at most for each registered article.

5. Unprepaid or insufficiently prepaid registered articles which have been wrongly sent to the country of destination are liable, at the expense of the addressees, to a charge equal to the amount of the missing postage.

ARTICLE 55

Return receipts

The sender of a registered article may request a return receipt by paying, at the time of mailing, a fixed charge of 30 centimes at most.

The return receipt may be requested after the mailing of the article, within the period of one year and upon payment of the fee prescribed by Article 53 for inquiries.

¹⁴ See also final protocol, p. 578.

ARTICLE 56

(See Interpretations)¹⁵*Extent of responsibility*

1. With the exceptions provided for by Article 57 following, Administrations are responsible for the loss of registered articles.

The sender is entitled, on that account, to indemnity, the amount of which is fixed at 50 francs per article.

2. Administrations assume no responsibility for articles seized by the customs as a result of false declaration of their contents.

ARTICLE 57

Exceptions to the principle of responsibility

Administrations are released from all responsibility for loss of registered articles:

(a) In case of *force majeure*; however, responsibility is maintained in regard to an Administration of origin which has undertaken to cover risks of *force majeure* (Article 54, Section 4). The country responsible for the loss must decide, in accordance with its domestic legislation, whether such loss is due to circumstances constituting a case of *force majeure*;

(b) When, proof of their responsibility not having been furnished otherwise, they can not account for articles as a result of destruction of service records due to a case of *force majeure*;

(c) When it is a question of articles whose contents fall within the scope of the prohibitions laid down by Articles 34, Sections 4 and 6, letter (c), and 46, Section 1;

(d) When the sender has not made any inquiry within the period of one year contemplated by Article 53.

ARTICLE 58

Termination of responsibility

Administrations cease to be responsible for registered articles the delivery of which they have effected under the conditions prescribed by their domestic regulations for articles of the same nature.

ARTICLE 59

Payment of indemnity

The obligation of paying indemnity falls upon the Administration to which the office of origin of the article belongs, subject to its right to make a claim against the responsible Administration.

¹⁵ *Post*, p. 602.

ARTICLE 60

Period for payment of indemnity

1. Payment of indemnity must take place as soon as possible, and at the latest within the period of six months, counting from the day following the date of the inquiry. That period is extended to nine months in relations with distant countries.

A dispatching Administration which does not accept risks arising from *force majeure* may postpone settlement for the indemnity beyond the period prescribed by the preceding paragraph when the question of knowing whether the loss of the article was due to a case of that kind has not yet been settled.

2. The Administration of origin is authorized to settle with the sender on behalf of an Administration of intermediation or destination which, duly notified, has let three months pass without settling the matter; that period is extended to six months in relations with distant countries.

ARTICLE 61

Fixing of responsibility

1. Until the contrary is proved, responsibility for the loss of a registered article falls on the Administration which, having received the article without making any observations, and, being furnished all particulars of inquiry prescribed by the regulations, can not establish either delivery to the addressee or regular transmission to the next Administration, as the case may be.

An Administration of intermediation or destination is, until the contrary is proved, released from all responsibility:

(a) When it has observed the provisions of Article 162, Section 3, of the Regulations;

(b) When it can establish that it did not receive the inquiry until after the destruction of the service records relating to the article sought, the retention-period prescribed by Article 181 of the Regulations having expired; this reservation does not affect the rights of the claimant.

However, if the loss has taken place in the course of transmission, without its being possible to determine on the territory or in the service of what country the loss occurred, the Administrations concerned bear the loss in equal shares.

2. When a registered article has been lost under circumstances of *force majeure*, the Administration on whose territory or in whose service the loss took place is not responsible therefor to the Administration of origin unless both countries undertake risks arising from cases of *force majeure*.

3. The customs duties and other charges whose cancelation it has been impossible to obtain are charged to the Administrations responsible for the loss.

4. The Administration which has effected payment of the indemnity is subrogated up to the amount of such indemnity in the rights of the person who has received it for all eventual recourse against the addressee, the sender, or third parties.

5. In case of subsequent recovery of a registered article considered as lost, the person to whom indemnity has been paid shall be advised that he may obtain possession of the article upon repayment of the amount of the indemnity.

ARTICLE 62

Repayment of the indemnity to the Administration of origin

1. The Administration which is responsible, or on whose behalf payment is made in accordance with Article 60, is bound to reimburse the Administration of origin, within a period of three months, counted from the sending of the notification of payment, for the amount of indemnity actually paid to the sender.

If the indemnity must be paid by several Administrations in conformity with Article 61, the whole of the indemnity due must be turned over to the Administration of origin, within the period mentioned in the preceding paragraph, by the first Administration which, having duly received the article inquired about, can not establish its regular transmission to the corresponding service. It is incumbent upon that Administration to recover from the other responsible Administrations any share of each of them in the indemnity paid to the rightful claimant.

2. The reimbursement of the creditor Administration is effected without expense for that Administration by means of either a money order, a check or a draft payable at sight on the capital or a commercial city of the creditor country, or in coin current in that country.

When responsibility has been acknowledged, as well as in the case contemplated by Article 60, Section 2, the amount of indemnity may likewise be recovered from the responsible country officially thru any account, either directly or thru the intermediary of an Administration which regularly exchanges accounts with the responsible Administration.

At the expiration of the period of three months, the sum due to the Administration of origin bears interest at the rate of 5 per cent a year, counting from the date of expiration of the said period.

3. The Administration of origin may claim repayment of the indemnity from the responsible Administration only within the period of one year, counting from the date of sending the notification of the loss; or, if occasion arises, from the date of expiration of the period contemplated by Article 60, Section 2.

4. An Administration whose responsibility is duly established and which has at first declined to pay the indemnity must bear all the additional expenses resulting from the unjustified delay in making payment.

5. Administrations may agree among themselves to make periodical settlements of the indemnities which they have paid to the senders and the justness of which they have recognized.

CHAPTER III

COLLECT-ON-DELIVERY ARTICLES

ARTICLE 63

Rates and conditions. Settlement

1. Registered articles may be sent C. O. D. in relations between countries whose Administrations agree to perform such service.

2. Articles sent C. O. D. are subject to the conditions and rates applicable to registered articles. Moreover, the sender pays in advance:

(a) A fixed fee which may not exceed 40 centimes per article and a proportional fee of $\frac{1}{2}$ per cent at most of the amount of the C. O. D. charge, if he desires that such amount be settled by means of a C. O. D. money order issued free of charge in his favor;

(b) A fixed fee of 20 centimes at most, if he requests settlement by means of a transfer to a current postal-check account in the country of destination of the article.

3. The method of settlement contemplated by Section 2, letter (b), is permitted only if the Administrations concerned undertake to apply such procedure for settlement. The Administration of destination turns over to the current account, by means of a domestic transfer bulletin, the amount collected from the addressee, after deducting a fixed fee of 20 centimes at most and the ordinary transfer fee applicable in its domestic service.

4. Irrespective of the method of settlement, the maximum amount of C. O. D. charge is equal to that fixed for money orders addressed to the country of origin of the article.

5. In the absence of contrary agreement, the amount of the C. O. D. charge is expressed in money of the country of origin of the article. However, in case of transfer to a current postal-check account held in the country of destination of the article, such amount shall be indicated in the money of that country.

6. Each Administration has the option of adopting, for the collection of the proportional fee contemplated by Section 2, letter (a), the scale which is most convenient for its service.

ARTICLE 64

Cancellation or modification of the amount to be collected

The sender of a registered C. O. D. article may request total or partial cancellation of the amount to be collected, or an increase therein. In the

latter case, he must pay, for the amount of the increase, the proportional fee fixed by Article 63.

Requests of this nature are subject to the same provisions as requests for withdrawal or change of address.

If the request for total or partial cancelation of the C. O. D. charge or an increase therein must be sent by telegraph, the charge for the telegram is increased by the rate applicable to a single-rate registered letter.

ARTICLE 65

Responsibility in case of loss of articles

The loss of a registered C. O. D. article involves the responsibility of the postal service under the conditions laid down by Articles 56 and 57.

ARTICLE 66

Guarantee of sums regularly collected

The sums regularly collected from the addressees, whether or not they have been converted into money orders or turned over to a current postal-check account, are guaranteed to the sender under the conditions laid down by the Agreement concerning money orders, or by the provisions governing the postal-check service.

ARTICLE 67

(See Interpretations)¹⁰

Indemnity in case of non-collection, insufficient or fraudulent collection of the C. O. D. charge

1. If the article has been delivered to the addressee without collecting the amount of the C. O. D. charge, the sender is entitled to indemnity, provided that inquiry has been made within the period of one year prescribed by Article 53, and unless the non-collection is due to fault or negligence on his part, or unless the contents of the article come under the prohibitions laid down by Articles 34, Sections 4 and 6, letter (c), and 46, Section 1.

The same applies if the sum collected from the addressee is lower than the amount of the C. O. D. charge indicated, or if the collection has been made fraudulently.

In no case may the indemnity exceed the amount to be collected on delivery.

2. The Administration which has effected payment of the indemnity is subrogated up to the amount of such indemnity in the rights of the person

¹⁰ *Post*, p. 602.

who has received it for all eventual recourse against the addressee, the sender, or third parties.

ARTICLE 68

Sums regularly collected. Indemnity. Payment and recourse

The obligation of paying the sums regularly collected, or the indemnity referred to in Article 67, falls upon the Administration to which the office of origin of the article belongs, subject to its right to make a claim against the responsible Administration.

ARTICLE 69

Period for payment

The provisions of Article 60 concerning the periods for payment of indemnity for the loss of a registered article are applicable to the payment of the sums collected or of the indemnity for C. O. D. articles.

ARTICLE 70

Fixing of responsibility

The payment by the dispatching Administration of the sums regularly collected, or of the indemnity provided for by Article 67, is effected on behalf of the Administration of destination. The latter is responsible, unless it can prove that the irregularity was due to the failure of the dispatching Administration to observe a provision of the regulations.

In case of fraudulent collection as a result of the loss of a C. O. D. article in the service, the responsibility of the Administrations involved is determined in accordance with the rules laid down by Article 61 for the loss of a registered article. However, the responsibility of an intermediate Administration which does not participate in the C. O. D. service is limited to that prescribed by Articles 56 and 57 for registered articles. The other Administrations pay the amount not covered in equal shares.

ARTICLE 71

Repayment of sums advanced

The Administration of destination is bound to reimburse the Administration of origin, under the conditions prescribed by Article 62, for the sums which have been advanced on its behalf.

ARTICLE 72

C. O. D. money orders and transfer bulletins

1. The amount of a C. O. D. money order which, for any reason, has not been paid to the payee, is not repaid to the Administration of issue. It

is held at the disposal of the payee by the Administration of origin of the C. O. D. article, and finally reverts to that Administration, after the expiration of the period prescribed by law.

In all other respects, and apart from the exceptions laid down by the Regulations, C. O. D. money orders are subject to the provisions of the Agreement concerning money orders.

2. When, for any reason, a transfer bulletin issued in accordance with the provisions of Article 63 can not be entered to the credit of the payee indicated by the sender of the C. O. D. article, the amount of such bulletin shall be placed, by the Administration which has cashed it, at the disposal of the Administration of origin, to be paid to the sender of the article.

If this payment can not be effected, the procedure outlined in Section 1 is followed.

ARTICLE 73

Sharing of C. O. D. charges and fees

The Administration of origin credits the Administration of destination, under the conditions fixed by the Regulations, with a fixed quota of 20 centimes per C. O. D. article, plus $\frac{1}{4}$ per cent of the total amount of C. O. D. money orders paid.

CHAPTER IV

RETENTION OF POSTAGE, TRANSIT CHARGES

ARTICLE 74

Retention of postage

Except in cases expressly provided for by the Convention, each Administration retains the whole of the postage which it collects.

ARTICLE 75¹⁷

Transit charges

1. Articles of correspondence exchanged in closed mails between two Administrations, by means of the services of one or more other Administrations (third services), are liable, for the benefit of each of the countries traversed or whose services participate in the conveyance, to the transit charges indicated in the following table:

¹⁷ See also final protocol, p. 579.

	Per kilogram	
	of letters and post cards	of other articles
	Fr. c.	Fr. c.
<i>1° Territorial transit:</i>		
Up to 1,000 km.	0. 60	0. 08
From 1,000 to 2,000 km.	0. 80	0. 12
From 2,000 to 3,000 km.	1. 20	0. 16
From 3,000 to 6,000 km.	2. 00	0. 24
From 6,000 to 9,000 km.	2. 80	0. 32
Over 9,000 km.	3. 60	0. 40
<i>2° Maritime transit:</i>		
Up to 300 nautical miles.	0. 60	0. 08
From 300 to 1,500 nautical miles.	1. 60	0. 20
Between Europe and North America.	2. 40	0. 32
From 1,500 to 6,000 nautical miles.	3. 20	0. 40
Over 6,000 nautical miles.	4. 80	0. 60

2. The transit charges for maritime conveyance on a route not exceeding 300 nautical miles are fixed at one-third the amounts set forth in Section 1, if the Administration concerned already receives, on account of the mails transported, compensation for territorial transit.

3. In the case of maritime transit effected by two or more Administrations, the total maritime transit charges may not exceed 4 francs 80 centimes per kilogram of letters and post cards or 60 centimes per kilogram of other articles. When occasion arises, those maximum amounts are divided between the Administrations taking part in the transportation in proportion to the distances traversed.

4. Barring contrary agreement, maritime transportation effected directly between two countries by means of ships of one of them, as well as conveyance effected between two offices of one and the same country thru the intermediary of services of another country, is considered as a third service.

5. Small packets, newspapers or packages of newspapers and periodicals sent by virtue of the Agreement concerning subscriptions to newspapers and periodicals, as well as insured boxes sent by virtue of the Agreement concerning insured letters and boxes, are considered as *other articles* in regard to transit.

6. Missent dispatches are considered, in regard to the payment of transit charges, as if they had followed their normal route.

ARTICLE 76

(See Interpretations)¹⁸*Freedom from transit charges*

The following are exempt from all territorial or maritime transit charges: The correspondence sent free of postage mentioned in Article 49; reply post cards returned to the country of origin; redirected articles; returned undeliverable articles; return receipts; money orders; and all other documents relating to the postal service, particularly correspondence relative to postal checks.

ARTICLE 77

Extraordinary services

The transit charges specified in Article 75 do not apply to transportation by means of extraordinary services specially created or maintained by one Administration at the request of one or more other Administrations. The conditions for that class of conveyance are fixed by mutual agreement between the Administrations concerned.

ARTICLE 78

Payments and accounts

1. The cost of transit is borne by the Administration of the country of origin.

2. The general accounting for such charges is effected on the basis of statistics taken once every three years, during a period of fourteen days. That period is extended to twenty-eight days for dispatches exchanged less than six times a week thru the services of any country.

The Regulations determine the period and length of application of the statistics.

3. Any Administration is authorized to submit to a board of arbiters for consideration the results of statistics which, in its opinion, differ too greatly from reality. Such arbitration is effected in accordance with the provisions of Article 11.

The arbitrators are authorized to determine the proper amount of transit charges to be paid.

ARTICLE 79

Exchange of closed mails with warships

1. Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanding officers of naval divisions or warships of the same country stationed abroad, or between the command-

¹⁸ *Post*, p. 602

ing officer of one of those naval divisions or warships and the commanding officer of another division or ship of the same country, thru the intermediary of land or sea services of other countries.

2. Correspondence of all kinds comprised in such dispatches shall be exclusively addressed to or sent by the officers and crews of the ships of destination or origin of the mails; the rates and conditions of dispatch applicable to them are determined, according to its domestic regulations, by the Postal Administration of the country to which the ships belong.

3. Barring contrary agreement between the Administrations concerned, the Postal Administration dispatching or receiving the mails in question is indebted to the intermediate Administrations for transit charges calculated in accordance with the provisions of Article 75.

VARIOUS PROVISIONS

ARTICLE 80

Failure to observe liberty of transit

When a country does not observe the provisions of Article 26 concerning liberty of transit, Administrations have the right to discontinue postal service with that country. They must give advance notice of that measure by telegraph to the Administrations concerned.

ARTICLE 81

Obligations relative to penal measures

The contracting countries undertake to adopt, or to propose to their respective legislative bodies, the necessary measures:

(a) For punishing the counterfeiting of postage stamps, international reply coupons, and postal identity cards;

(b) For punishing the use or placing in circulation of

(1) counterfeit or used postage stamps, as well as counterfeit or used impressions of stamping machines or printed indicia;

(2) counterfeit international reply coupons;

(3) counterfeit postal identity cards;

(c) For punishing the fraudulent use of regular identity cards;

(d) For prohibiting and suppressing all fraudulent operations of manufacture and placing in circulation of embossed or adhesive stamps in use in the postal service, which are counterfeited or imitated in such a way that they could be confused with embossed or adhesive stamps issued by one of the contracting countries;

(e) For preventing, and, if occasion arises, punishing the insertion of opium, morphine, cocaine or other narcotics in mail articles in favor of which such insertion is not expressly authorized by the Convention and Agreements.

FINAL PROVISIONS

ARTICLE 82

Effective date and duration of the Convention

The present Convention will become effective on July 1, 1940, and will remain in force for an indefinite period.

In faith of which, the plenipotentiaries of the Governments of the countries above enumerated have signed the present Convention in one copy, which will be filed in the Archives of the Government of the Argentine Republic, and a copy of which will be delivered to each party.

Done at Buenos Aires, May 23, 1939.

For Afghanistan:

For the Union of South Africa:

J. N. REDELINGHUYS

H. C. WAIN

For Albania:

For Germany:

For the United States of America:

For James W. Cole:

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

For the whole of the possessions of the

United States of America:

For James W. Cole:

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

For the Kingdom of Saudi Arabia:

For the Argentine Republic:

A. C. ESCOBAR

A. FUNES LASTRA

R. R. TULA

F. VÁZQUEZ

M. SÁENZ BRIONES

RAÚL C. MIGONE

CARLOS H. SAL

R. A. PAN

G. A. GARCÍA

I. RUÍZ MORENO

A. T. COSENTINO

For the Commonwealth of Australia:

M. B. HARRY

A. SLADDIN

For Belgium:

O. SCHOCKAERT

For the Colony of the Belgian Congo:

E. MONS

For Bolivia:

PÉREZ ABASTO

J. GMO. CANEDO

J. LIEVANA

For Brazil:

RAÚL CAMARATE

JOAQUÍM VIANNA

For Confucio Augusto Pamplona:

RAÚL CAMARATE

For Bulgaria:

M. GHÉORGHIEV

For Canada:

JOHN A. SULLIVAN

H. BEAULIEU

R. H. MACNABB

For Chile:

ALBERTO SEPÚLVEDA CONTRERAS

For China:

H. K. CHANG CHIEN

For the Republic of Colombia:

For R. Uribe Escobar:

E. CARRIZOSA

E. CARRIZOSA

For the Republic of Costa Rica:

ALBERTO SEPÚLVEDA CONTRERAS

For the Republic of Cuba:

J. A. MONTALVO

A. TORRADEMÉ

JESÚS LAGO LUNAR

For Denmark:

ARNE KROG

For the Free City of Danzig:

RENÉ MACHALSKI

For the Dominican Republic:

TULIO M. CESTERO
M. ALVAREZ ARÁNGUIZ

For Egypt:

M. WAGUIH

For the Republic of El Salvador:

JOSÉ VILLEGAS MUÑOZ

For Ecuador:

F. GUARDERAS
L. G. DILLON

For Spain:

For the whole of the Spanish Colonies:

For Estonia:

G. JALLAJAS

For Finland:

NILLO ORASMAA

For France:

ED. QUENOT
L. GENTHON
P. GRANDSIMON
F. NAVECH

For Algeria:

PAOLI

For the French Colonies and Protectorates in Indochina:

For the whole of the other French Colonies:

R. BOURGOIN

For the United Kingdom of Great Britain and Northern Ireland:

D. J. LIDBURY
D. O. LUMLEY
E. P. BELL
A. L. WILLIAMS

For the whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under suzerainty or mandate:

For Greece:

V. DENDRAMIS
S. CAMILIÉRIS

For Guatemala:

M. ARROYO

For the Republic of Haiti:

FAUSTIN G. TRONGÉ

For the Republic of Honduras:

ARTURO MEJÍA NIETO

For Hungary:

For British India:

MOHD. AL HASAN
H. L. JERATH
N. CHANDRA

For Iran:

DR. A A. DAFTARY

For Iraq:

D. J. LIDBURY
D. O. LUMLEY
E. P. BELL
A. L. WILLIAMS

For Ireland:

P. DE BLÁCA
S. S. PUIRSEAL

For Iceland:

ARNE KROG

For Italy:

For the whole of the Italian Colonies and Possessions other than Italian East Africa:

For Italian East Africa:

For Japan:

IWATARO UCHIYAMA
SEITI OKAZAKI
JIRO NAKAYAMA
TOSIO YAMATO

For Chosen:

SEITI OKAZAKI
KEISI FUKUDA

For the whole of the other Japanese Dependencies:

IWATARO UCHIYAMA
KANJI ITO

For Latvia:

DR. J. BUSER
L. ROULET

For the Levant States under French Mandate (Syria and Lebanon):

M. USCLAT

For the Republic of Liberia:

DIXON BROWN

For Lithuania:

J. AUKSTUOLIS
B. BLAVESCIUNAS

For Luxemburg:

O. SCHOCKAERT

For Morocco (except the Spanish Zone):

H. F. DUSSOL

For Morocco (Spanish Zone):

For Mexico:

ALFONSO GÓMEZ MORENTÍN
ALMADA BECERRA
E. VALDÉS GENES

- For Nicaragua:
RUBÉN DARÍO
- For Norway:
STEN HAUG
OSKAR HOMME
- For New Zealand:
J. MADDEN
- For the Republic of Panama:
VIAL
- For Paraguay:
HIGINIO ARBO
RAMÓN LARA CASTRO
J. F. PÉREZ ACOSTA
- For the Netherlands:
DUYNSTEE
VAN GOOR
- For Curaçao and Surinam:
HOOGWOONING
- For the Netherlands Indies:
VAN DOOREN
HAJENIUS
P. J. LEEMEYER
HOOGWOONING
- For Peru:
ERNESTO CÁCERES
For Jorge Chamot:
ERNESTO CÁCERES
- For the Commonwealth of the Philip-
pines:
F. CUADERNO
- For Poland:
RENÉ MACHALSKI
M. HERWICH
T. JARÓN
- For Portugal:
DUARTE CALHEIROS
A. BASTOS GAVIÃO
J. QUADRIO MORÃO
- For the Portuguese Colonies in West
Africa:
ARNALDO DE PAIVA CARVALHO
- For the Portuguese Colonies in East
Africa, Asia and Oceania:
MARIO MONTEIRO DE MACEDO
- For Rumania:
C. STEFANESCO
N. M. GEORGESCO
- For the Republic of San Marino:
- For Siam:
LUANG KOVID APAIVONGSE
- For Sweden:
GUNNAR LAGER
THURE NYLUND
ALLAN HULTMAN
- For the Swiss Confederation:
DR. J. BUSER
L. ROULET
- For Czechoslovakia:
- For Tunisia:
ED. QUENOT
- For Turkey:
APTULAHAT AKSIN
ad referendum
- For the Union of Soviet Socialist Re-
publics:
P. GLINKINE
V. IVANOV
- For the Eastern Republic of Uruguay:
F. A. COSTANZO
ADOLFO AGORIO
- For the Vatican City State:
RÓMULO ETCHEVERRY BONEO
- For the United States of Venezuela:
E. GANTEAUME-TOVAR
F. VÉLEZ-SALAS
- For Yemen:
- For the Kingdom of Yugoslavia:
SVET. M. DRAGICEVIC
MILOMIR LJ. MICIC

FINAL PROTOCOL OF THE CONVENTION

At the moment of proceeding to sign the Universal Postal Convention concluded on the present date, the undersigned plenipotentiaries have agreed as follows:

I

Withdrawal. Change of address

The provisions of Article 51 do not apply to Great Britain, nor to those of the British Dominions, Colonies and Protectorates whose domestic legisla-

tion does not permit the withdrawal or change of address of correspondence at the request of the sender.

II

Equivalents. Maximum and minimum limits

1. Each country has the option of increasing by 40 per cent, or of decreasing by 20 per cent, at most, the postage rates fixed by Article 34, Section 1, in accordance with the indications of the following table:

	Minimum limits	Maximum limits
	<i>Centimes</i>	<i>Centimes</i>
Letters:		
First unit.....	16	28
Each additional unit.....	9. 6	16. 8
Post cards:		
Single.....	9. 6	16. 8
With reply paid.....	19. 2	33. 6
Commercial papers:		
Each 50 grams.....	3. 2	5. 6
Minimum charge.....	16	28
Prints: Each 50 grams.....	3. 2	5. 6
Raised print for the blind: Each 1,000 grams.....	1. 6	2. 8
Samples of merchandise:		
Each 50 grams.....	3. 2	5. 6
Minimum charge.....	6. 4	11. 2
Small packets:		
Each 50 grams.....	6. 4	11. 2
Minimum charge.....	32	56
"Phonopost" articles:		
First unit.....	12	21
Each additional unit.....	8	14

The rates chosen shall, as far as possible, be in the same proportion among themselves as the basic rates, each Administration having the option of rounding off its rates higher or lower as the case may be, in order to suit the convenience of its monetary system.

2. The rates adopted by a country are applicable to the charges to be collected upon arrival as a result of absence or insufficiency of prepayment.

III

Avoirdupois ounce

It is agreed, as an exceptional measure, that countries which, on account of their domestic legislation, can not adopt the decimal metric system of weights, have the option of substituting therefor the avoirdupois ounce (28.3465 grams), assimilating one ounce to 20 grams for letters and *Phonopost* articles, and 2 ounces to 50 grams for commercial papers, prints, raised print for the use of the blind, samples and small packets.

IV

Mailing of correspondence in another country

No country is bound to forward or deliver to addressees articles which any senders domiciled on its territory mail or cause to be mailed in a foreign country with a view to profiting by lower rates which are established there. The rule applies, without distinction, either to articles prepared in the country inhabited by the sender and subsequently transported across the border, or to articles prepared in a foreign country. The Administration concerned has the right either to return the articles in question to origin or to charge them with its domestic postage rates. The methods of collecting the charges are left to its discretion.

V

Reply coupons

Administrations have the option of not undertaking the sale of reply coupons.

VI

Registration fee

Countries which can not fix at 40 centimes the registration fee contemplated by Article 54, Section 2, are authorized to collect a fee which may amount to as much as 50 centimes, or their domestic registration fee if this is higher.

VII

Air services

The provisions concerning the transportation of regular mails by air are appended to the Universal Postal Convention and are considered as forming an integral part of it and its Regulations.

However, by exception to the general provisions of the Convention, the modification of those provisions may be undertaken from time to time by a Conference comprising the representatives of the Administrations directly interested.

That Conference may be called together thru the intermediary of the International Bureau, at the request of at least three of those Administrations.

All the provisions proposed by that Conference shall be submitted, thru the medium of the International Bureau, to the other countries of the Union, to be voted upon. The decision will be made on a majority of the votes cast.

VIII

Exception to liberty of transit for small packets

By exception to the provisions of Article 26 of the Convention, the Postal Administration of the Union of Soviet Socialist Republics is authorized to

refuse the transit of small packets over its territories, with the understanding that this restriction will apply indiscriminately to all the countries of the Union.

IX

(See Interpretations)¹⁹

Special transit charges for the Trans-Siberian and Trans-Andean routes

By exception to the provisions of Article 75, Section 1 (Table), the Postal Administration of the Union of Soviet Socialist Republics is authorized to collect transit charges for the Trans-Siberian Railway for both routes (Manchuria or Vladivostok) at the rate of 4 francs 50 centimes per kilogram of letters and post cards and 50 centimes per kilogram of other articles, for distances exceeding 6,000 kilometers.

The Administration of the Argentine Republic is authorized to collect a charge of 30 centimes in addition to the transit charges mentioned in Article 75, Section 1, Figure 1°, of the Convention, for each kilogram of correspondence of any kind carried in transit by the Argentine section of the Trans-Andean Railway.

X

(See Interpretations)¹⁹

Special warehousing charges at Aden

As an exceptional measure, the Administration of Aden is authorized to collect a charge of 40 centimes per sack for all dispatches warehoused at Aden, provided that the said Administration does not receive any territorial or maritime transit charges for such dispatches.

XI

(See Interpretations)¹⁹

Special charges for transshipment

As an exceptional measure, the Portuguese Administration is authorized to collect 40 centimes per sack for all mails transshipped at the port of Lisbon.

XII

Protocol left open to the countries not represented

The Protocol remains open to the countries of the Union which were not represented at the Congress, in order to permit them to adhere to the Convention and Agreements concluded there, or merely to one or another of them.

¹⁹ *Post*, p. 602.

XIII

Protocol left open to the countries represented for signatures and adhesions

The Protocol remains open to those countries whose representatives have today signed only the Convention or only a certain number of the Agreements drawn up by the Congress, for the purpose of permitting them to adhere to the other Agreements signed on the date, or to one or another of them.

XIV

Period for notification of adhesions

The adhesions contemplated in Articles XII and XIII shall be communicated by the respective Governments, thru diplomatic channels, to the Government of the Argentine Republic, and by the latter to the other States of the Union. The period which is allowed to the said Governments to make such notification will expire on July 1, 1940.

In faith of which, the undersigned plenipotentiaries have drawn up the present Protocol, which will have the same force and validity as if its provisions were included in the text of the Convention itself, and they have signed it in one copy, which will be filed in the Archives of the Government of the Argentine Republic, and a copy of which will be delivered to each party.

Done at Buenos Aires, May 23, 1939.

For Afghanistan:

RAÚL C. MIGONE

For the Union of South Africa:

CARLOS H. SAL

J. N. REDELINGHUYS

R. A. PAN

H. C. WAIN

G. A. GARCÍA

For Albania:

I. RUÍZ MORENO

A. T. COSENTINO

For Germany:

For the Commonwealth of Australia:

M. B. HARRY

For the United States of America:

A. SLADDIN

For James W. Cole:

For Belgium:

O. SCHOCKAERT

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

For the Colony of the Belgian Congo:

E. MONS

For the whole of the possessions of the

United States of America:

For Bolivia:

PÉREZ ABASTO

For James W. Cole:

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

J. GMO. CANEDO

J. LIEVANA

For the Kingdom of Saudi Arabia:

For Brazil:

RAÚL CAMARATE

JOAQUÍN VIANNA

For the Argentine Republic:

A. C. ESCOBAR

A. FUNES LASTRA

R. R. TULA

M. SÁENZ BRIONES

For Confucio Augusto Pamplona:

RAÚL CAMARATE

For Bulgaria:

M. GHÉORGHIEV

For Canada:

JOHN A. SULLIVAN

H. BEAULIEU

R. H. MACNABB

For Chile:

ALBERTO SEPÚLVEDA CONTRERAS

For China:

H. K. CHANG CHIEN

For the Republic of Colombia:

For R. Uribe Escobar:

E. CARRIZOSA

E. CARRIZOSA

For the Republic of Costa Rica:

ALBERTO SEPÚLVEDA CONTRERAS

For the Republic of Cuba:

J. A. MONTALVO

A. TORRADEMÉ

JESÚS LAGO LUNAR

For Denmark:

ARNE KROG

For the Free City of Danzig:

RENÉ MACHALSKI

For the Dominican Republic:

TULIO M. CESTERO

M. ALVAREZ ARÁNGUIZ

For Egypt:

M. WAGUIH

For the Republic of El Salvador:

JOSÉ VILLEGAS MUÑOZ

For Ecuador:

F. GUARDERAS

L. G. DILLON

For Spain:

For the whole of the Spanish Colonies:

For Estonia:

G. JALLAJAS

For Finland:

NIIL O RASMAA

For France:

ED. QUENOT

L. GENTHON

P. GRANDSIMON

F. NAVECH

For Algeria:

PAOLI

For the French Colonies and Protectorates in Indochina:

For the whole of the other French Colonies:

R. BOURGOIN

For the United Kingdom of Great Britain and Northern Ireland:

D. J. LIDBURY

D. O. LUMLEY

E. P. BELL

A. L. WILLIAMS

For the whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under suzerainty or mandate:

For Greece:

V. DENDRAMIS

S. CAMILIÉRIIS

For Guatemala:

M. ARROYO

For the Republic of Haiti:

FAUSTIN G. TRONGÉ

For the Republic of Honduras:

ARTURO MEJÍA NIETO

For Hungary:

For British India:

MOHD. AL HASAN

H. L. JERATH

N. CHANDRA

For Iran:

DR. A. A. DAFTARY

For Iraq:

D. J. LIDBURY

D. O. LUMLEY

E. P. BELL

A. L. WILLIAMS

For Ireland:

P. DE BLÁCA

S. S. PUIRSEAL

For Iceland:

ARNE KROG

For Italy:

For the whole of the Italian Colonies and Possessions other than Italian East Africa:

For Italian East Africa:

For Japan:

IWATARO UCHIIYAMA

SEIITI OKAZAKI

JIRO NAKAYAMA

TOSIO YAMATO

For Chosen:

SEIITI OKAZAKI

KEISI FUKUDA

For the whole of the other Japanese Dependencies:

IWATARO UCHIIYAMA

KANJI ITO

- For Latvia:
DR. J. BUSER
L. ROULET
- For the Levant States under French
Mandate (Syria and Lebanon):
M. USCLAT
- For the Republic of Liberia:
DIXON BROWN
- For Lithuania:
J. AUKSTUOLIS
B. BLAVESCIUNAS
- For Luxemburg:
O. SCHOCKAERT
- For Morocco (except the Spanish Zone):
H. F. DUSSOL
- For Morocco (Spanish Zone):
- For Mexico:
ALFONSO GÓMEZ MORENTÍN
ALMADA BECERRA
E. VALDÉS GENES
- For Nicaragua:
RUBÉN DARÍO
- For Norway:
STEN HAUG
OSKAR HOMME
- For New Zealand:
J. MADDEN
- For the Republic of Panama:
VIAL
- For Paraguay:
HIGINIO ARBO
RAMÓN LARA CASTRO
J. F. PÉREZ ACOSTA
- For the Netherlands:
DUYNSTEE
VAN GOOR
- For Curaçao and Surinam:
HOOGEWOONING
- For the Netherlands Indies:
VAN DOOREN
HAJENIUS
P. J. LEEMEYER
HOOGEWOONING
- For Peru:
ERNESTO CÁCERES
For Jorge Chamot:
ERNESTO CÁCERES
- For the Commonwealth of the Philip-
pines:
F. CUADERNO
- For Poland:
RENÉ MACHALSKI
M. HERWICH
T. JARON
- For Portugal:
DUARTE CALHEIROS
A. BASTOS GAVIÃO
J. QUADRIO MORAÕ
- For the Portuguese Colonies in West
Africa:
ARNALDO DE PAIVA CARVALHO
- For the Portuguese Colonies in East
Africa, Asia and Oceania:
MARIO MONTEIRO DE MACEDO
- For Rumania:
C. STEFANESCO
N. M. GEORGESCO
- For the Republic of San Marino:
- For Siam:
LUANG KOVID APAIVONGSE
- For Sweden:
GUNNAR LAGER
THURE NYLUND
ALLAN HULTMAN
- For the Swiss Confederation:
DR. J. BUSER
L. ROULET
- For Czechoslovakia:
- For Tunisia:
ED. QUENOT
- For Turkey:
APTULAHAT AKSIN
ad referendum
- For the Union of Soviet Socialist
Republics:
P. GLINKINE
V. IVANOV
- For the Eastern Republic of Uruguay:
F. A. COSTANZO
ADOLFO AGORIO
- For the Vatican City State:
RÓMULO ETCHEVERRY BONEO
- For the United States of Venezuela:
E. GANTEAUME-TOVAR
F. VÉLEZ-SALAS
- For Yemen:
- For the Kingdom of Yugoslavia:
SVET. M. DRAGICEVIC
MILOMIR LJ. MICIC

[For text of regulations for execution of the convention, see 54 Stat. 2105.]

PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

CHAPTER I

GENERAL PROVISIONS

ARTICLE I

Articles of correspondence admitted to aerial transportation

1. There are admitted to aerial transportation, over all or part of the route, all the articles designated in Article 33 of the Convention, as well as money orders, collection orders, and subscriptions by mail. Such articles take, in that case, the name of *air-mail correspondence*.

2. The articles mentioned in Article 33 of the Convention may be submitted to the formality of registration and be sent C. O. D.

3. Insured letters and boxes may also be transported by air in relations between countries which agree to exchange articles of that kind by that route.

4. Air-mail articles shall be marked very clearly on the front with the words "*Par Avion*" or a similar indication in the language of the country of origin.

ARTICLE 2

Liberty of transit

The liberty of transit provided for in Article 26 of the Convention is guaranteed to air-mail correspondence thruout the entire territory of the Union, whether or not the intermediate Administrations take part in the forwarding of the correspondence.

ARTICLE 3

(See Interpretations)²⁰

Dispatch of air-mail correspondence

1. Administrations which make use of aerial communications for the transportation of their own correspondence are bound to forward by those same routes the air-mail correspondence received by them from other Administrations.

2. Administrations having no air service forward air-mail correspondence by the most rapid routes utilized by the mails.

The same applies if, for any reason, dispatch by such other means offers advantages over an existing air route.

3. If occasion arises, account is taken of the indications of routing placed on air-mail articles by the senders, provided that the routing asked for is normally utilized for the transportation of mails on the stretch concerned,

²⁰ *Post*, p. 602.

and that dispatch by such route does not result in considerable delay in the arrival of the articles at destination.

4. Closed air-mail dispatches shall be sent by the route requested by the Administration of the country of origin, provided that such route is utilized by the Administration of the transit country for the transmission of its own dispatches.

5. When, as the result of an accident occurring en route, a plane can not continue its trip and deliver the mail at the stops scheduled, the personnel on board shall deliver the dispatches to the post office nearest to the place of the accident or best qualified to reforward the mails. That office, after determining the condition of the damaged correspondence and repairing it if necessary, forwards the dispatches to the offices of destination by the most rapid routes.

6. The circumstances of the accident and the facts determined are reported by bulletin of verification to the offices of destination of the dispatches involved; a copy of the bulletin is addressed to the office of origin of the dispatches.

ARTICLE 4

Aerial transportation over part of the route only

1. Unless practical difficulties would result therefrom, the sender may request that his correspondence be dispatched by air over only a part of the route.

2. When he exercises this option, the sender shall indicate on his correspondence in the language of the country of origin and in French: "*Par avion de ----- à -----*" (By air mail from ----- to -----). At the end of the aerial transmission, the "*Par Avion*" labels mentioned in Article 24 hereafter, as well as the special annotations, shall be officially crossed out by means of two heavy transverse lines.

ARTICLE 5²¹

Rates and general conditions for admission of air-mail correspondence

1. Air-mail articles are liable, in addition to the regular postage rates, to a special surcharge for aerial transportation, the amount of which shall be fixed by the Administration of the country of origin.

The aerial surcharge is also due for air-mail articles which are exempt from all charges in accordance with Article 49, Section 2, of the Convention.

2. In relations considered as ordinary services (Article 14, Section 8, hereafter), that surcharge shall not exceed 15 centimes per 20 grams and per 1000 kilometers of the air route; for post cards and money orders, it is 15 centimes at most per article and per 1000 kilometers of the air route.

²¹ See also final protocol, p. 597.

Uniform surcharges shall be fixed for all the territory of one country of destination, regardless of the route used.

In relations between countries of Europe, the surcharge amounts at most to 15 centimes per 20 grams regardless of the distance.

3. The surcharges for air-mail correspondence transported by extraordinary services (Article 14, Section 9, hereafter) are fixed to take account of the extraordinary expenses to which the use of those services gives rise.

4. For articles other than letters, post cards, money orders and collection orders, the surcharges collected by application of Sections 2 and 3 may be reduced to a minimum of $\frac{1}{2}$.

5. Administrations have the option of not collecting any surcharge for aerial transportation, on condition that they give information to the country of destination and that a previous agreement has been made with the transit countries.

6. The surcharges shall be prepaid at the time of mailing.

7. The surcharge for a reply post card is collected separately for each half at the place of mailing of each of those halves.

8. Air-mail correspondence is prepaid under the conditions fixed by Article 47 of the Convention. However, regardless of the nature of such correspondence, the prepayment may be represented by a handwritten notation, in figures, of the sum collected, expressed in money of the country of origin, in the following form:

"Taxe perçue (postage collected) : Fr. c."

That notation may appear either in a special hand-stamp impression or on a special adhesive stamp or label, or finally, it may be simply indicated on the address side of the article by any process whatever. In all cases, the notation shall be supported by the date stamp of the office of origin.

ARTICLE 6

Unprepaid or insufficiently prepaid air-mail correspondence

1. In case of total lack of prepayment, air-mailed correspondence is treated in accordance with the provisions of Articles 35 and 36 of the Convention. Articles whose prepayment at the time of mailing is not obligatory are sent by the ordinary means.

2. In case of insufficient prepayment, air-mail correspondence is sent by the air route when the postage paid represents at least the amount of the aerial surcharge. The Administrations of origin have the option of sending such correspondence by the air route when the postage paid represents at least 25 percent of the amount of the aerial surcharge.

The provisions of Article 36 of the Convention are applicable in regard to the collection of charges not paid at the time of mailing.

3. When articles not bearing at least 25 percent of the aerial surcharge are sent by the ordinary means, the office of mailing or the exchange office

shall strike out all annotations relative to the air transportation, and indicate briefly the reason for transmission by the ordinary means.

ARTICLE 7

Delivery of air-mail correspondence

1. Air-mail correspondence is delivered as rapidly as possible, and shall at least be included in the first delivery following its arrival at the office of destination.

2. Senders have the option of requesting delivery at the addressee's residence by special carrier immediately after arrival, by paying the special-delivery fee provided for by Article 45 of the Convention. That option exists only in relations between countries which have organized the special-delivery service in their reciprocal relations.

3. When the regulations of the country of destination permit it, addressees may ask the office charged with the delivery to have air-mail correspondence arriving addressed to them delivered to them upon arrival. In that case, the Administrations of destination are authorized to collect, at the time of delivery, a special fee which may not be higher than the special-delivery fee provided for by Article 45 of the Convention.

4. For additional compensation, Administrations may, after agreement, undertake delivery at the residence of the addressee by special means; for example, by the use of pneumatic tubes.

ARTICLE 8

Redirection and return of air-mail correspondence

1. Air-mail correspondence addressed to persons who have changed their residence is forwarded to the new destination by the ordinary means, unless the addressee has expressly requested redirection by air mail and has paid in advance, to the forwarding office, the aerial surcharge for the new route. Undeliverable correspondence is returned to origin by the ordinary means.

2. If redirection or return is effected by the ordinary means, the *Par avion* label and all notations relative to transmission by the air route shall be crossed out officially by means of two heavy transverse lines.

CHAPTER II

REGISTERED OR INSURED ARTICLES

ARTICLE 9

Registered articles

Registered articles are subject to the postage rates and general conditions for admission provided for by the Convention. They are also liable to the same aerial surcharges as ordinary articles.

ARTICLE 10

Return receipt

Each Administration is authorized to consider the weight of the return receipt form in computing the aerial surcharge.

ARTICLE 11

Responsibility

Administrations assume, in regard to registered articles sent by the air route, the same responsibility as for other registered articles.

ARTICLE 12

Insured articles

1. Administrations which accept insured articles for transportation by air mail are authorized to collect, on account of such articles, a special insurance fee, the amount of which they are to fix.

The sum of the ordinary insurance fee and the special fee shall not exceed double the limit fixed by Article 3, letter (c), of the Agreement concerning insured letters and boxes.

2. As for insured articles passing in transit in closed mails thru the territory of countries not adhering to the aforesaid Agreement, or passing in transit thru air services where the countries concerned do not accept responsibility for insured articles, the responsibility of those countries is limited to that provided for registered articles.

CHAPTER III

RETENTION OF AERIAL SURCHARGES. TRANSPORTATION CHARGES

ARTICLE 13

Retention of surcharges

Each Administration retains the whole of the aerial surcharges which it has collected.

ARTICLE 14 ²²*Aerial transportation charges for closed mails*

1. The provisions of Article 75 of the Convention concerning transit charges apply to air-mail correspondence only for its transmission, if any, by land or sea.

The aerial transportation charges for air-mail articles sent in closed dispatches are collectible from the Administration of the country of origin.

2. Every Administration which assures the transportation of air-mail correspondence by the air route, as intermediate Administration, is entitled, on

²² See also final protocol, p. 597.

that account, to payment of transportation charges. These charges are computed in accordance with the actual length of the routes over which the dispatch or the articles have been carried. If the plane stops at several airports, the payment is due as far as the airport where the unloading takes place.

3. Transportation charges must also be paid for transportation within the country of destination. These payments must be uniform for all the routes traversed in the domestic service; they are computed in accordance with the average length of all the routes traversed in the domestic service and their importance for the international service.

4. The transportation charges relative to one and the same air route are uniform for all Administrations using that service without participating in the operating costs.

5. With the exceptions provided for in Sections 6 and 7 following, the aerial transportation charges are payable to the Postal Administration of the country in which the airport where the dispatches have been taken in charge by the air service is located.

6. An Administration which delivers to an air-transport enterprise mails intended for conveyance by several separate air services in succession may, if it has agreed with the intermediate Administrations, settle directly with that enterprise for the transportation charges for the whole route. The intermediate Administrations, for their part, have the right to request the application pure and simple of the provisions of Section 5.

7. By exception to the provisions of Sections 5 and 6, every Administration maintaining an air service reserves the right to collect directly from each Administration utilizing that service the transportation charges for the whole route.

8. The basic rate to be applied in the settlement of accounts between Administrations for ordinary aerial transportation (ordinary services) is fixed, for each kilogram of gross weight and for each kilometer, at 6 thousandths of a franc at most. That rate is applied proportionally to fractions of a kilogram.

The dispatches or articles carried by the domestic service of the countries are subject to the same rate, unless the corresponding countries agree to collect no payment for such transportation.

9. The transportation rate specified above does not apply to transportation effected by means of services whose creation and upkeep give rise to extraordinary expenses (extraordinary services). The transportation charges relative to those services are fixed, for each kilogram, by the Administrations to which such services belong; they are applied proportionally to fractions of a kilogram.

10. The transportation charges mentioned are also payable for articles which are exempt from transit charges. Misdirected or missent dispatches or articles are considered, for purposes of payment of transportation charges,

as having followed their normal route. However, for the conveyance of dispatches to be forwarded by extraordinary services, the intermediary Administration may require reimbursement of the transportation charges. The accounting for the aerial transportation charges then takes place according to Article 21, Sections 1 and 3, of these Air-Mail Provisions.

11. Administrations of countries flown over have no right to any compensation for dispatches transported by air over their territory.

ARTICLE 15

Transportation charges for aerial correspondence in open mail

1. The transportation charges for air-mail correspondence exchanged in open mail between two Administrations shall be calculated in accordance with the provisions of Article 14, Sections 1 to 4 and 8 to 10.

In order to determine the transportation charges, the net weight of such articles is increased by 10 per cent.

2. An Administration which delivers air-mail correspondence in transit in open mail to another Administration shall pay it the entire amount of the transportation charges calculated for all the subsequent aerial transmission.

CHAPTER IV

INTERNATIONAL BUREAU

ARTICLE 16

(See Interpretations)²³

Communications to be addressed to the International Bureau and to the Administrations

1. The Administrations shall communicate to the International Bureau, by means of a list conforming to Model A V 1 hereto appended,²⁴ the necessary information concerning the air-mail service.

2. The list contemplated in Section 1 shall be transmitted regularly twice a year, at least one week before the opening of the summer and winter services. Notice of any modification shall be given without delay.

3. The International Bureau prepares, on the basis of the information contained in the forms A V 1 and the other communications which it receives, a list of general information concerning the air-mail service.

That general list, which shall conform to Model A V 1, is distributed without delay among the Administrations.

The International Bureau is also charged with making up maps indicating the lines of domestic and international air-mail communications of all countries.

²³ *Post*, p. 603.

²⁴ For forms appended to the provisions concerning transportation of regular mails by air, see 54 Stat. 2258.

4. For provisional information, a copy of the list A V 1 contemplated in Section 1 is sent directly by each Administration to all Administrations which express their desire to receive it.

5. The Administrations also communicate regularly, at least fifteen days before the beginning of each season, to all Administrations with which they are connected by air lines, the complete schedules of the air lines of their domestic and international services. In relations with other Administrations, such information is furnished only on request.

CHAPTER V

ACCOUNTING. SETTLEMENT OF ACCOUNTS

ARTICLE 17

Accounting statistics

1. The general accounting for aerial transportation charges is effected in accordance with statistical tables made up during the seven days following the 14th of June and the 14th of November of each year. The results of the June statistics form the basis for the payments due for the summer service; those of November are used for the winter service.

2. Statistics concerning services which do not operate during the regular statistical periods are made up after agreement between the Administrations concerned.

3. As concerns extraordinary services, the Administration charged with the transportation by air has the option of requesting that the settlement of accounts be made, quarterly or semiannually, on the basis of the gross weight of the dispatches, or the net weight increased by 10 percent of the articles in open mail, actually transported during the period involved. In such a case, the provisions of Articles 19, 20, and 21 hereafter are applied to the ascertainment of weight and preparation of accounts, with the understanding that the statements A V 3 and A V 4 are to be made up monthly for all air transportation effected.

ARTICLE 18

Preparation of ordinary or aerial dispatches during the statistical periods for air-mail transportation charges

The provisions of Article 165 of the Regulations of Execution of the Convention do not apply to the semiannual statistics for the fixing of aerial transportation charges. However, during such statistical periods, the labels or addresses of dispatches containing air-mail correspondence shall bear the conspicuous notation *Statistique-avion* (air-mail statistics).

ARTICLE 19

Fixing the weight of air-mail dispatches and correspondence

1. During the statistical periods, the date of dispatch and the gross weight of the mail are indicated on the label or outside address of the dispatch. The inclusion of air-mail dispatches in another dispatch of the same kind is prohibited.

If the letters and post cards, as well as the other articles, are combined in a dispatch carried by routes for which a reduced transportation charge is applied to A. O. [*autres objets* (other articles)], the weight of each of the two classes must be shown in addition to the total weight on the label or outer address of the dispatch. In such case, the weight of the outer wrapping (sack or package) is added to the weight of the other articles.

If a collector sack is used, its weight is ignored.

2. In case that open-mail correspondence intended to be redispached by the air route is included in an ordinary or air-mail dispatch, such correspondence, made up into a special bundle labeled *Par avion* (by air mail), is accompanied by a list conforming to Model A V 2 hereto appended. The weight of the correspondence in transit in open mail is indicated separately for each country of destination. If an air-mail dispatch contains transit air mail destined to several countries for which the transit charges are uniform, these charges are shown as one entry on the list A V 2. In relations between countries which have agreed not to collect any payment for redispach by their domestic service, the weight of the articles in open mail for the country of destination itself is not indicated. The letter bill is provided with the note "*Bordereau A V 2*" (List A V 2). Transit countries have the option of requesting the use of special lists A V 2 showing the most important countries and air routes in a fixed order.

3. Those entries are verified by the exchange office of destination. If that office finds that the actual weight of the dispatches differs by more than 100 grams, and that of the open mail articles by more than 20 grams, from the weight announced, it corrects the label or the list A V 2 and immediately reports the error to the dispatching exchange office by bulletin of verification. When it is a question of closed mails, a copy of that bulletin is addressed to each intermediate Administration. If the differences in weight detected remain within the limits above mentioned, the entries of the dispatching office are considered as valid.

ARTICLE 20

List of closed air mails

As soon as possible, and in any case within a period of one month after each statistical period, the Administrations which have dispatched closed air mails send a list of such dispatches, on an appropriate Form C 22, to the different Administrations whose air services they have used, including that of destination, if occasion arises.

ARTICLE 21

Account of air-transportation charges settled on the basis of statistics

1. During the statistical periods, the intermediate Administrations take note, on a form agreeing with Model A V 3 hereto appended, of the weights indicated on the labels or outside addresses of the air-mail dispatches which they have reforwarded by the air route, either in their domestic services or beyond the frontiers of their countries. As concerns air-mail articles in open mail which reach them from other Administrations and which they forward by air, a statement like Form A V 4 hereto appended is prepared in accordance with the indications appearing on the lists A V 2. Air-mail articles contained in ordinary dispatches are subjected to the same procedure. Separate statements are prepared for each dispatching exchange office of air dispatches or air-mail articles in open mail.

2. The Administrations of destination which assure the reforwarding of air dispatches or of air-mail articles by air in their domestic services proceed in the same manner.

3. As soon as possible, and at the latest six weeks after the close of statistical operations, the forms A V 3 and A V 4 are sent in duplicate to the dispatching exchange offices for acceptance. Those offices, after accepting the statements, send them in turn to their central Administration, which forwards a copy to the central Administration of the creditor country.

4. If the creditor Administration has not received any statement of differences within an interval of three months, counting from the date of transmittal, the statements are considered as automatically accepted. In relations between distant countries, that period is extended to four months.

ARTICLE 22

Aerial transportation account

1. The gross weights of the dispatches, and the net weights increased by 10 per cent of the articles in open mail, shown in the statements A V 3 or A V 4, are multiplied by a figure determined by the frequency of the summer and winter services; the products thus obtained serve as the basis for individual accounts showing, in francs, the transportation charges due to each Administration for the current six-month period.

2. The duty of preparing those accounts is incumbent upon the creditor Administration, which transmits them to the debtor Administration.

3. The individual accounts are made up in duplicate and transmitted as soon as possible to the debtor Administration. If the creditor Administration has not received any statement of differences within an interval of three months, counting from the date of transmittal, such accounts are considered as automatically accepted. In relations between distant countries, this period is extended to four months.

ARTICLE 23

General account

In the absence of contrary agreement between the Administrations concerned, the general account of air-transportation charges is made up twice a year by the International Bureau, in accordance with the rules fixed for the transit-charge account.

CHAPTER VI

VARIOUS PROVISIONS

ARTICLE 24

Designation of air-mail correspondence

Air-mail correspondence is provided, at the time of mailing, with a special blue label or imprint bearing the words *Par avion* (by air mail), with an optional translation into the language of the country of origin.

ARTICLE 25

Designation of air-mail dispatches

When the air-mail articles give rise to the formation of separate dispatches, the latter shall be made up with blue paper or by means of sacks either entirely blue or bearing wide blue stripes.

ARTICLE 26

Method of dispatching air-mail correspondence

1. The provisions of Articles 157, Section 2, letter (a), and 159 of the Regulations of Execution of the Convention are applied, by analogy, to air-mail correspondence included in ordinary dispatches. The labels of the bundles shall bear the annotation *Par avion* (by air mail).

In case of inclusion of registered air-mail articles in ordinary dispatches, the note *Par avion* shall be entered in the place prescribed by Section 2 of the aforesaid Article 159 for the note *Express* (special delivery).

If it is a question of insured air-mail articles included in ordinary dispatches, the note *Par avion* is entered in the *Observations* column of the insured bills, opposite the entry of each of them.

2. Air-mail articles sent in transit in open mail in an air-mail or ordinary dispatch, which are to be forwarded by the air route by the country of destination of the dispatch, are tied in a special bundle labeled *Par avion*.

3. The transit country may request the formation of separate bundles by countries of destination. In that case, each bundle is provided with a label bearing the note: *Par avion pour* ----- (by air mail for -----).

ARTICLE 27

Transfer of air dispatches

Barring contrary agreement between the Administrations concerned, the transfer en route, in one and the same airport, of mails which employ several separate air services in succession, is effected thru the intermediary of the Administration of the country where the transshipment takes place. This rule does not apply when the transfer is made between machines performing successive sections of one and the same service.

ARTICLE 28

Annotations to be made on the letter bills, insured bills, and labels of air-mail dispatches

The letter bills and insured bills accompanying air-mail dispatches shall be provided, in their headings, with the *Par avion* label or the imprint mentioned in Article 24. The same label or imprint is affixed to the labels or addresses of such dispatches.

ARTICLE 29

Customs clearance of correspondence liable to duty

The Administrations take steps to accelerate, as far as possible, the clearance of air-mail correspondence liable to customs duty.

ARTICLE 30

Application of the provisions of the Convention and Agreements

The provisions of the Convention and Agreements, as well as of their Regulations, with the exception of the Parcel-Post Agreement and its Regulations, are applicable in everything which is not expressly regulated by the foregoing Articles.

ARTICLE 31

Effective date and duration of the provisions adopted

The present Provisions will be put into force from the effective date of the Convention.

They will have the same duration as that Convention, unless they are renewed by mutual agreement among the parties concerned.

Done at Buenos Aires, May 23, 1939.

For Afghanistan:

For the Union of South Africa:

J. N. REDELINGHUYNS

H. C. WAIN

For Albania:

For Germany:

For the United States of America:

For James W. Cole:

JOHN E. LAMIELL

JOHN E. LAMIELL

STEWART M. WEBER

For the whole of the possessions of the
United States of America:

For James W. Cole:
JOHN E. LAMIELL
JOHN E. LAMIELL
STEWART M. WEBER

For the Kingdom of Saudi Arabia:

For the Argentine Republic:

A. C. ESCOBAR
A. FUNES LASTRA
R. R. TULA
M. SÁENZ BRIONES
RAÚL C. MIGONE
CARLOS H. SAL
R. A. PAN
G. A. GARCÍA
I. RUÍZ MORENO
A. T. COSENTINO

For the Commonwealth of Australia:

M. B. HARRY
A. SLADDIN

For Belgium:

O. SCHOCKAERT

For the Colony of the Belgian Congo:

E. MONS

For Bolivia:

PÉREZ ABASTO
J. GMO. CANEDO
J. LIEVANA

For Brazil:

RAÚL CAMARATE
JOAQUÍN VIANNA
For Confucio Augusto Pamplona:
RAÚL CAMARATE

For Bulgaria:

M. GHÉORGHIEV

For Canada:

JOHN A. SULLIVAN
H. BEAULIEU
R. H. MACNABB

For Chile:

ALBERTO SEPÚLVEDA CONTRERAS

For China:

H. K. CHANG CHIEN

For the Republic of Colombia:

For R. Uribe Escobar:
E. CARRIZOSA
E. CARRIZOSA

For the Republic of Costa Rica:

ALBERTO SEPÚLVEDA CONTRERAS

For the Republic of Cuba:

J. A. MONTALVO

A. TORRADEMÉ

JESÚS LAGO LUNAR

For Denmark:

ARNE KROG

For the Free City of Danzig:

RENÉ MACHALSKI

For the Dominican Republic:

TULIO M. CESTERO
M. ALVAREZ ARÁNGUIZ

For Egypt:

M. WAGUIH

For the Republic of El Salvador:

JOSÉ VILLEGAS MUÑOZ

For Ecuador:

F. GUARDERAS
L. G. DILLON

For Spain:

For the whole of the Spanish Colonies:

For Estonia:

G. JALLAJAS

For Finland:

NILO ORASMAA

For France:

ED. QUENOT
L. GENTHON
P. GRANDSIMON
F. NAVECH

For Algeria:

PAOLI

For the French Colonies and Protectorates in Indochina:

For the whole of the other French Colonies:

R. BOURGOIN

For the United Kingdom of Great Britain and Northern Ireland:

D. J. LIDBURY
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A. L. WILLIAMS

For the whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under suzerainty or mandate:

For Greece:

V. DENDRAMIS
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For Guatemala:

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For the Republic of Haiti:

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For the Republic of Honduras:

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For Iran:

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For Iceland:

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For Italy:

For the whole of the Italian Colonies
and Possessions other than Italian
East Africa:

For Italian East Africa:

For Japan:

IWATARO UCHIYAMA

SEIITI OKAZAKI

JIRO NAKAYAMA

TOSIO YAMATO

For Chosen:

SEIITI OKAZAKI

KEISI FUKUDA

For the whole of the other Japanese
Dependencies:

IWATARO UCHIYAMA

KANJI ITO

For Latvia:

DR. J. BUSER

L. ROULET

For the Levant States under French
Mandate (Syria and Lebanon):

M. USCLAT

For the Republic of Liberia:

DIXON BROWN

For Lithuania:

J. AUKSTUOLIS

B. BLAVESCIUNAS

For Luxemburg:

O. SCHOCKAERT

For Morocco (except the Spanish
Zone):

H. F. DUSSOL

For Morocco (Spanish Zone):

For Mexico:

ALFONSO GÓMEZ MORENTÍN

ALMADA BECERRA

E. VALDÉS GENES

For Nicaragua:

RUBÉN DARÍO

For Norway:

STEN HAUG

OSKAR HOMME

For New Zealand:

J. MADDEN

For the Republic of Panama:

VIAL

For Paraguay:

HIGINIO ARBO

RAMÓN LARA CASTRO

J. F. PÉREZ ACOSTA

For the Netherlands:

DUYNSTEE

VAN GOOR

For Curaçao and Surinam:

HOOGWOONING

For the Netherlands Indies:

VAN DOOREN

HAGENIUS

P. J. LEEMEYER

HOOGWOONING

For Peru:

ERNESTO CÁCERES

For Jorge Chamot:

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T. JARÓN

For Portugal:

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Africa, Asia and Oceania:

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For the Republic of San Marino:

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For the Eastern Republic of Uruguay:

F. A. COSTANZO

ADOLFO AGORIO

For the Vatican City State:

RÓMULO ETCHEVERRY BONEO

For the United States of Venezuela:

E. GANTEAUME-TOVAR

F. VÉLEZ-SALAS

For Yemen:

For the Kingdom of Yugoslavia:

SVET. M. DRAGICEVIC

MILOMIR LJ. MICIC

FINAL PROTOCOL OF THE PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

I

Aerial transportation charges for closed mails

The Administrations of British India and the Union of Soviet Socialist Republics have the option of collecting, for each section of their domestic air systems, the transportation charges provided for in Article 14.

II

Option of reducing the weight-unit for air-mail correspondence

Administrations whose system of weights permits it have the option of adopting units of weight lower than that of 20 grams provided for in Article 5, Section 2. In that case, the surcharge is fixed in accordance with the scale of weight adopted.

III

Exceptional surcharges in favor of certain European countries

Administrations of Europe which, due to the geographic situation of their countries, find it difficult to adopt a uniform surcharge for all Europe, are authorized to collect surcharges in proportion to the distances, in accordance with the provisions of Article 5, Section 2.

That option is also granted to other European countries in their relations with the countries mentioned in the preceding paragraph.

Done at Buenos Aires, May 23, 1939.

For Afghanistan:

For the Union of South Africa:

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H. C. WAIN

For Albania:

For Germany:

For the United States of America:

For James W. Cole:
JOHN E. LAMIELL
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B. BLAVESCIUNAS

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O. SCHOCKAERT

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H. F. DUSSOL

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RÓMULO ETCHEVERRY BONEO

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F. VÉLEZ-SALAS

For Yemen:

For the Kingdom of Yugoslavia:

SVET. M. DRAGICEVIC
MILOMIR LJ. MICIC

[For postal forms annexed to the provisions concerning the transportation of regular mails by air, see 54 Stat. 2258.]

INTERPRETATIONS

CONVENTION, ARTICLE 11

When it relates to a question of little importance, particularly to responsibility deriving from the application of the Convention and the Regulations thereof, the interested parties may designate the Director of the International Bureau as the sole arbiter, or a country signatory to the Convention, named by common consent.

CONVENTION, ARTICLE 26

With the exceptions provided for in Article 46, articles of correspondence in transit, either in open mail or in closed dispatches, shall not be subject to any inspection, nor be seized.

The justification of this principle arises from Article 26 of the Convention and Article 103, Section 1, of its Regulations, according to which liberty of transit is guaranteed over the entire territory of the Union and the transit countries are bound to dispatch by the most rapid means the closed dispatches of correspondence and the articles in open mail which are turned over to them by another Administration.

CONVENTION, ARTICLE 34, SECTION 3, 3RD PARAGRAPH

It is understood that, for these reductions, the consent of the Administrations of destination is also necessary, the same as provided in the 2nd paragraph.

CONVENTION, ARTICLE 34, SECTION 4

Watches may be accepted in small packets, provided that they are not composed of gold, silver or other precious metals.

There may also be accepted in these dispatches fountain pens, and, in general, similar articles, provided that they are not composed of gold, silver, or other precious metals.

CONVENTION, ARTICLE 34, SECTION 6

Receipt forms, paid or unpaid, bearing a handwritten text, may be considered as commercial papers; as for those entirely in print, they shall enjoy the print rate. Receipt forms, although not paid, can not be assimilated to values payable to the bearer, such as a railway or tramway ticket, etc.

CONVENTION, ARTICLE 34, SECTION 7

As a gift always has a salable value, it can not, in principle, be accepted at the rate for samples.

CONVENTION, ARTICLE 35

In the interests of good postal service, shortpaid articles should be dispatched in instances when the sender is unknown, the deficiency in postage being evidently due to error on his part.

CONVENTION, ARTICLE 43, SECTION 1

As long as an article has not been delivered to the addressee, the sender may, after mailing, upon payment of the charge fixed for a single-rate registered letter, request that the article be delivered free of duty. When the sender desires that such request be transmitted by air mail, he shall pay, in addition to the charge above mentioned, the aerial surcharge applicable to a single-rate airmail letter addressed to the country of destination of the article.

CONVENTION, ARTICLE 45, SECTION 5

When the addressee requests another attempt at delivery by special messenger, the Administrations may collect, on this account, the fee applicable in their domestic services for such delivery.

CONVENTION, ARTICLE 45, SECTION 5

When the Regulations of a country so permit, the addressees may make request of the office charged with the delivery of articles, registered or

ordinary, that they be delivered specially upon arrival. In such cases, the Administrations are authorized to collect from the addressees, at the time of delivery, the special charge provided for in Section 2, and also the supplementary charge mentioned in Section 3.

CONVENTION, ARTICLE 51, SECTION 2, 1ST PARAGRAPH

The request form for return or change of address is transmitted by the ordinary means, by air mail or by telegraph at the expense of the sender, who shall pay, for every request by the ordinary means, the fee applicable to a single-rate registered letter; for every request by air mail, the same fee increased by the surcharge due according to the country of destination, and for every request by telegraph, the cost of the telegram.

CONVENTION, ARTICLE 53, SECTION 1

When the sender desires that the reclamation be sent by air, he must pay, in addition to the fee provided in Section 1, the surcharge applicable to an airmail letter destined for the country of destination of the article.

CONVENTION, ARTICLE 56, SECTION 2

Administrations shall not assume any responsibility for the execution of instructions received as provided for in Articles 51 and 64, unless they have been received in time by the offices concerned.

CONVENTION, ARTICLE 67

It is understood that the last paragraph of Section 1 of Article 67 should be interpreted in the sense that, by "amount to be collected on delivery," is meant the amount which the country of destination should normally take into account.

CONVENTION, ARTICLE 76

Empty sacks are exempt from all territorial and maritime transit charges.

CONVENTION, FINAL PROTOCOL, ARTICLE IX

Article IX of the Final Protocol of the Congress of Cairo is suppressed only for the reason that the provision to which it relates is duplicated in the stipulation provided in the Convention.

CONVENTION, FINAL PROTOCOL, ARTICLES X and XI

The statistics are applicable to the sacks dispatched from the office of origin during the statistical period in the sense that the special warehousing and transshipment charges are to be determined according to the transit charges.

CONVENTION, AIR MAIL, ARTICLE 3, SECTION 4

Whenever the use of the route indicated by the dispatching Administration would result in delay, the intermediary Administration has the option

of utilizing some other means, on condition that no expense will devolve upon the country of origin on account of the change in routing.

The Administration of origin should, however, be informed of the fact.

CONVENTION, AIR MAIL, ARTICLE 3, SECTION 5

When the damage to the airmail or the loss of documents of the dispatch has been caused by an accident along the route, the office which notes the circumstance is bound to prepare duplicate documents and forward them to the Administrations of origin and destination, accompanied by a bulletin of verification showing the number of articles recovered, the weights thereof and the numbers of the registered articles, if any.

CONVENTION, AIR MAIL, ARTICLE 3, SECTION 6

The copy of the bulletin of verification mentioned in Section 6 of Article 3 should be transmitted by the first air service available, if that service assures the most rapid transmission as against ordinary means.

CONVENTION, AIR MAIL, ARTICLE 16

The International Bureau is charged with requesting, at the proper time, by means of appropriate lists, from European Administrations having airports, information regarding the time that airplanes should arrive at the airports in order that delivery may be effected the same day. The said Bureau shall publish this information in the form of lists, which shall be distributed to the Administrations concerned, simultaneously with the List A V 1 for the summer service.

NEUTRALITY (GENERAL DECLARATION)

Declaration adopted by the Meeting of the Foreign Ministers of the American Republics at Panama October 3, 1939

*Report of the Delegate of the United States of America to the Meeting of the Foreign Ministers of the American Republics Held at Panamá September 23–October 3, 1939 (Washington, U.S. Government Printing Office, 1940) p. 54*¹

GENERAL DECLARATION OF NEUTRALITY OF THE AMERICAN REPUBLICS

WHEREAS:

As proclaimed in the Declaration of Lima, "The peoples of America have achieved spiritual unity through the similarity of their republican institutions, their unshakable will for peace, their profound sentiment of humanity and tolerance, and through their absolute adherence to the principles of international law, of the equal sovereignty of states and of individual liberty without religious or racial prejudices";²

This acknowledged spiritual unity presupposes common and solidary attitudes with reference to situations of force which, as in the case of the present European war, may threaten the security of the sovereign rights of the American republics;

The attitude assumed by the American republics has served to demonstrate that it is their unanimous intention not to become involved in the European conflict; and

It is desirable to state the standards of conduct, which, in conformity with international law and their respective internal legislation, the American republics propose to follow, in order to maintain their status as neutral states and fulfil their neutral duties, as well as require the recognition of the rights inherent in such a status,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

1. To reaffirm the status of general neutrality of the American republics, it being left to each one of them to regulate in their individual and sovereign capacities the manner in which they are to give it concrete application.

¹ See also *Department of State Bulletin*, Oct. 7, 1939, p. 326.

² *Ante*, p. 534.

2. To have their rights and status as neutrals fully respected and observed by all belligerents and by all persons who may be acting for or on behalf of or in the interest of the belligerents.

3. To declare that with regard to their status as neutrals, there exist certain standards recognized by the American republics applicable in these circumstances and that in accordance with them they:

(a) Shall prevent their respective terrestrial, maritime, and aerial territories from being utilized as bases of belligerent operations.

(b) Shall prevent, in accordance with their internal legislations, the inhabitants of their territories from engaging in activities capable of affecting the neutral status of the American republics.

(c) Shall prevent on their respective territories the enlistment of persons to serve in the military, naval, or air forces of the belligerents; the retaining or inducing of persons to go beyond their respective shores for the purpose of taking part in belligerent operations; the setting on foot of any military, naval, or aerial expedition in the interest of the belligerents; the fitting out, arming, or augmenting of the forces or armament of any ship or vessel to be employed in the service of one of the belligerents, to cruise or commit hostilities against another belligerent, or its nationals or property; the establishment by the belligerents or their agents of radio stations in the terrestrial or maritime territory of the American republics, or the utilization of such stations to communicate with the governments or armed forces of the belligerents.

(d) May determine, with regard to belligerent warships, that not more than three at a time be admitted in their own ports or waters and in any case they shall not be allowed to remain for more than 24 hours. Vessels engaged exclusively in scientific, religious, or philanthropic missions may be exempted from this provision, as well as those which arrive in distress.

(e) Shall require all belligerent vessels and aircraft seeking the hospitality of areas under their jurisdiction and control to respect strictly their neutral status and to observe their respective laws and regulations and the rules of international law pertaining to the rights and duties of neutrals and belligerents; and in the event that difficulties are experienced in enforcing the observance of and respect for their rights, the case, if so requested, shall thereupon become a subject of consultation between them.

(f) Shall regard as a contravention of their neutrality any flight by the military aircraft of a belligerent state over their own territory. With respect to non-military aircraft, they shall adopt the following measures: such aircraft shall fly only with the permission of the competent authority; all aircraft, regardless of nationality, shall follow routes determined by the said authorities; their commanders or pilots shall declare the place of departure, the stops to be made and their destination; they shall be allowed to use radio-telegraphy only to determine their route and flying conditions, utilizing for

this purpose the national language, without code, only the standard abbreviations being allowed; the competent authorities may require aircraft to carry a co-pilot or a radio operator for purposes of control. Belligerent military aircraft transported on board warships shall not leave these vessels while in the waters of the American republics; belligerent military aircraft landing in the territory of an American republic shall be interned with their crews until the cessation of hostilities, except in cases in which the landing is made because of proven distress. There shall be exempted from the application of these rules cases in which there exist conventions to the contrary.

(g) May submit belligerent merchant vessels, as well as their passengers, documents and cargo, to inspection in their own ports; the respective consular agent shall certify as to the ports of call and destination as well as to the fact that the voyage is undertaken solely for purposes of commercial interchange. They may also supply fuel to such vessels in amounts sufficient for the voyage to a port of supply and call in another American republic, except in the case of a direct voyage to another continent, in which circumstance they may supply the necessary amount of fuel. Should it be proven that these vessels have supplied belligerent warships with fuel, they shall be considered as auxiliary transports.

(h) May concentrate and place a guard on board belligerent merchant vessels which have sought asylum in their waters, and may intern those which have made false declarations as to their destinations, as well as those which have taken an unjustified or excessive time in their voyage, or have adopted the distinctive signs of warships.

(i) Shall consider as lawful the transfer of the flag of a merchant vessel to that of any American republic provided such transfer is made in good faith, without agreement for resale to the vendor, and that it takes place in the waters of an American republic.

(j) Shall not assimilate to warships belligerent armed merchant vessels if they do not carry more than four six-inch guns mounted on the stern, and their lateral decks are not reinforced, and if, in the judgment of the local authorities, there do not exist other circumstances which reveal that the merchant vessels can be used for offensive purposes. They may require of the said vessels, in order to enter their ports, to deposit explosives and munitions in such places as the local authorities may determine.

(k) May exclude belligerent submarines from the waters adjacent to their territories or admit them under the condition that they conform to the regulations which each country may prescribe.

4. In the spirit of this declaration, the governments of the American republics shall maintain close contact with a view to making uniform, so far as possible, the enforcement of their neutrality and to safeguarding it in defense of their fundamental rights.

5. With a view to studying and formulating recommendations with respect to the problems of neutrality, in the light of experience and changing circumstances, there shall be established, for the duration of the European war, an Inter-American Neutrality Committee, composed of seven experts in international law, who shall be designated by the Governing Board of the Pan American Union before November 1, 1939. The recommendations of the committee shall be transmitted, through the Pan American Union, to the governments of the American republics.

[The above declaration was incorporated in the final act of the Meeting of Foreign Ministers, which was signed on October 3, 1939, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]

NEUTRALITY (DECLARATION OF PANAMA)

Declaration adopted by the Meeting of the Foreign Ministers of the American Republics at Panama October 3, 1939

Report of the Delegate of the United States of America to the Meeting of the Foreign Ministers of the American Republics Held at Panamá September 2–October 3, 1939
(Washington, U.S. Government Printing Office, 1940), p. 62 ¹

DECLARATION OF PANAMÁ

The Governments of the American Republics meeting at Panamá, have solemnly ratified their neutral status in the conflict which is disrupting the peace of Europe, but the present war may lead to unexpected results which may affect the fundamental interests of America and there can be no justification for the interests of the belligerents to prevail over the rights of neutrals causing disturbances and suffering to nations which by their neutrality in the conflict and their distance from the scene of events, should not be burdened with its fatal and painful consequences.

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

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

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

¹ See also 1939 For. Rel. (V) 36 and *Department of State Bulletin*, Oct. 7, 1939, p. 331.

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

For these reasons the Governments of the American Republics

RESOLVE AND HEREBY DECLARE:

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

Such waters shall be defined as follows. All waters comprised within the limits set forth hereafter except the territorial waters of Canada and of the undisputed colonies and possessions of European countries within these limits: ²

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

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

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

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

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

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

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

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

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

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

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

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

3. The Governments of the American Republics further declare that whenever they consider it necessary they will consult together to determine

² For a map showing the delimited areas, see 1939 For. Rel. (V) 35.

upon the measures which they may individually or collectively undertake in order to secure the observance of the provisions of this Declaration.

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

[The above declaration was incorporated in the final act of the Meeting of Foreign Ministers, which was signed on October 3, 1939, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]

TELECOMMUNICATION: INTER-AMERICAN RADIOCOMMUNICATIONS (SANTIAGO REVISION)

Agreement, with declarations, recommendations, and annex, revising the Havana arrangement of 1937,¹ signed at Santiago January 26, 1940

Government of Chile notified of approval by the United States June 26, 1941

Entered into force February 25, 1942

Replaced by agreement of July 9, 1949,² as between contracting parties to the later agreement

[For text, see 55 Stat. 1482 or EAS 231.]

¹ EAS 200, *ante*, p. 480.

² 3 UST 3064; TIAS 2489.

UNIFORMITY OF POWERS OF ATTORNEY TO BE UTILIZED ABROAD (INTER-AMERICAN)

Protocol opened for signature at the Pan American Union February 17, 1940, and signed for the United States ad referendum October 3, 1941

Senate advice and consent to ratification March 24, 1942

Ratified by the President of the United States April 3, 1942

Ratification of the United States deposited with the Pan American Union April 16, 1942

Entered into force February 6, 1941;¹ for the United States April 16, 1942

Proclaimed by the President of the United States May 22, 1942

56 Stat. 1376; Treaty Series 982

PROTOCOL ON UNIFORMITY OF POWERS OF ATTORNEY WHICH ARE TO BE UTILIZED ABROAD

The Seventh International Conference of American States approved the following resolution (No. XLVIII) :

“The Seventh International Conference of American States, resolves:

1—That the Governing Board of the Pan American Union shall appoint a Commission of five experts, to draft a project for simplification and uniformity of powers of attorney, and the juridical personality of foreign companies, if such uniformity is possible. If such uniformity is not possible, the Commission shall suggest the most adequate procedure for reducing to a minimum both the number of different systems of legislation on these subjects and the reservations made to the several conventions.

2—The report should be issued in 1934, and be given to the Governing Board of the Pan American Union in order that it may submit it to the consideration of all the Governments, members of the Pan American Union, for the purposes indicated.”

The committee of experts appointed by the Governing Board of the Pan American Union pursuant to the above resolution prepared a draft of uniform legislation governing powers of attorney to be utilized abroad, which was submitted by the Governing Board to the governments, members of the

¹ Date on which two states had become parties in accordance with terms of art. XII.

Pan American Union, and revised in accordance with the observations of the said governments.

A number of the governments of the American Republics have indicated that they are prepared to subscribe to the principles of the said draft, and to give them conventional expression, in the following terms:

ARTICLE I

Powers of attorney granted in the countries, comprising the Pan American Union, for utilization abroad, shall conform to the following rules:

1—If the power of attorney is executed by or on behalf of a natural person, the attesting official (notary, registrar, clerk of court, judge or any other official upon whom the law of the respective country confers such functions) shall certify from his own knowledge to the identity of the appearing party and to his legal capacity to execute the instrument.

2—If the power of attorney is executed in the name of a third person, or if it is delegated or if there is a substitution by the agent, the attesting official, in addition to certifying, in regard to the representative who executes the power of attorney, or delegates or makes a substitution, to the requirements mentioned in the foregoing paragraph, shall also certify that such representative has in fact the authority to represent the person in whose name he appears, and that this representation is legal according to such authentic documents as for this purpose are exhibited to said attesting official and which the latter shall mention specifically, giving their dates, and their origin or source.

3—If the power of attorney is executed in the name of a juridical person, in addition to the certification referred to in the foregoing paragraphs, the attesting official shall certify, with respect to the juridical person in whose name the power is executed, to its due organization, its home office, its present legal existence, and that the purposes for which the instrument is granted are within the scope of the objects or activities of the juridical person; which declarations shall be based on the documents which for that purpose are presented to the official, such as the instrument of organization, bylaws, resolutions of the board of directors or other governing body, and such other legal documents as shall substantiate the authority conferred. The attesting official shall specifically mention these documents, giving their dates and their origin.

ARTICLE II

The certification made by the attesting official pursuant to the provisions of the foregoing article, shall not be impugned except by proof to the contrary produced by the person challenging its accuracy.

For this purpose, it shall not be necessary to allege falsity of the document if the objection is founded only on an erroneous legal construction or interpretation made by the official in his certification.

ARTICLE III

It shall be unnecessary for the grantee of a power of attorney to signify therein his acceptance of the mandate; such acceptance being conclusively presumed by the grantee's acting under the power.

ARTICLE IV

Special powers of attorney to authorize acts of ownership granted in any of the countries of the Pan American Union, for use in another member country, must specify in concrete terms the nature of the powers conferred, to enable the grantee to exercise all the rights necessary for the proper execution of the power with respect to property as well as to the taking of all necessary steps before the tribunals or administrative authorities in defense thereof.

General powers of attorney for the administration of property shall be sufficient, if expressly granted with that general character, to empower the grantee to consummate all manner of administrative acts, including the prosecution and defense of law suits and administrative and judicial proceedings, in connection with the administration of the property.

General powers of attorney for lawsuits, collections or administrative or judicial proceedings, when so worded as to indicate that they confer all general powers and all such special powers as, according to the law, ordinarily require a special clause, shall be deemed to be granted without any limitation or restriction whatever.

The provisions of this article shall have the character of a special rule which shall prevail over such general rules to the contrary as the legislation of the respective country may establish.

ARTICLE V

Powers of attorney granted in any of the member countries of the Pan American Union, which are executed in conformity with the rules of this Protocol, shall be given full faith and credit, provided, however, that they are legalized in accordance with the special rules governing legalization.

ARTICLE VI

Powers of attorney granted abroad and in a foreign language may be translated into the language of the country of their destination and the translation incorporated as part of the text of the instrument thereof. In such case, the translation, so authorized by the grantor, shall be deemed accurate in every particular. The translation of the power of attorney may also be made in the country where the power is to be utilized, in accordance with the local usage or pertinent laws of such a country.

ARTICLE VII

Powers granted in a foreign country do not require as a prerequisite their registration or protocolization thereof in designated offices. However, this rule will not prevail when the registration or protocolization of such instruments is required by the law as a special formality in specific cases.

ARTICLE VIII

Any person who may, pursuant to the pertinent legislation, intervene or become a party in a judicial or administrative proceeding for the defense of his interests, may be represented by a volunteer, on condition, however, that such representative shall furnish the necessary legal authority in writing, or that, pending the due substantiation of his authority, such representative shall furnish bond, at the discretion of the competent tribunal or administrative authority, to respond for the costs or damages which his action may occasion.

ARTICLE IX

In the case of powers of attorney, executed in any of the countries of the Pan American Union in accordance with the foregoing provisions, to be utilized in any other member country of the Union, notaries duly commissioned as such under the laws of their respective countries shall be deemed to have authority to exercise functions and powers equivalent to those accorded to native notaries by the laws and regulations of (name of country), without prejudice, however, to the necessity of protocolization of the instrument in the cases referred to in Article VII.

ARTICLE X

What has been said in the foregoing articles with respect to notaries, shall apply with equal force to the authorities or officials that exercise notarial functions under the laws of their respective countries.

ARTICLE XI

The original of the present Protocol in Spanish, Portuguese, English and French, under the present date shall be deposited in the Pan American Union and opened for signature by the States, members of the Pan American Union.

ARTICLE XII

The present Protocol is operative as respects each High Contracting Party on the date of signature by such Party. It shall be open for signature on behalf of any of the States, members of the Pan American Union, and shall remain operative indefinitely, but any Party may terminate its own obligations hereunder three months after it has given to the Pan American Union notice of such intention.

Notwithstanding the stipulations of the foregoing paragraph any State desiring to do so may sign the present Protocol *AD REFERENDUM*, which Protocol in this case, shall not take effect, with respect to such State, until after the deposit of the instrument of ratification, in conformity with its constitutional procedure.

ARTICLE XIII

Any State desiring to approve the present Protocol with modifications may indicate, when signing the Protocol, the form in which the instrument will be given effect within its territory.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Protocol on behalf of their respective governments, and affix thereto their seals on the dates appearing opposite their signatures.

For Venezuela:

The Representative of Venezuela signs the present Protocol with the following modification of section 1 of the first article:

"1.—If the power of attorney is executed in his own behalf by a natural person, the attesting official (notary, registrar, clerk of court, judge, or any other official upon whom the law of the respective country confers such function) shall certify that he knows the person executing the instrument and that he has the legal capacity to execute it, according to the documents he has produced" [translation].

DIÓGENES ESCALANTE [SEAL]
February 20, 1940

For Panama:

JORGE E. BOYD [SEAL]
ad referendum April 10, 1940

For El Salvador:

HÉCTOR DAVID CASTRO [SEAL]
*ad referendum*³ May 21, 1940

For Colombia:

"The Plenipotentiary of Colombia signs the Protocol on the Uniformity of Powers of Attorney *ad referendum* to approval by the National Congress, making the reservation that Colombian legislation set forth in article 2590 of the Civil Code provides that notaries are responsible only for the form and not for the substance of the acts and contracts which they authenticate" [translation].

GABRIEL TURBAY [SEAL]
May 25, 1940

For Nicaragua:

LEÓN DE BAYLE [SEAL]
ad referendum May 27, 1940

³ The instrument of ratification deposited by El Salvador on Feb. 6, 1941, contained the following reservations:

"(a) Article IX, as respects its application in El Salvador, shall be considered as reading as follows:

"Article IX.—Powers of attorney executed in any of the countries of the Pan American Union in accordance with the foregoing provisions and in conformity with the laws of the country of origin, to be utilized in any other country of the Union, shall be considered as having been executed before a competent notary of the country in which they may be utilized, without prejudice, however, to the necessity of protocolization of the instrument in the cases referred to in article VII."

(b) The reservation is made to article VIII that unauthorized action by the attorney, as plaintiff or defendant, cannot be admitted in judicial or administrative matters for which Salvadoran laws require that representation be accredited by a special power of attorney" [translation].

For Brazil:

CARLOS MARTINE PEREIRA [SEAL]
E SOUSA
September 6, 1940

For Bolivia:

The Plenipotentiary of Bolivia signs the present Protocol with the following clarification of article I, section 2:

"For the correct application of article I, section 2, of the Protocol on the Uniformity of Powers of Attorney in the territory of the Republic of Bolivia it is necessary that the notary or official charged with the authentication of documents insert in the powers of attorney which are executed by delegation or by substitution the integral text of the original powers of attorney and of all those documents which prove the legal capacity of the person conferring the power of attorney" [translation].

LUIS GUACHALLA [SEAL]
ad referendum September 26, 1940

For the United States of America:

CORDELL HULL [SEAL]
ad referendum October 3, 1941

For Mexico:

The Government of the United Mexican States, in accepting the provisions of Article IV, declares expressly that for-

eigners who, in order to perform certain acts, are required to make the agreement or waiver referred to in section 1, Article 27 of the political constitution of the United Mexican States, must grant a special power of attorney, expressly specifying the said agreement and waiver in one of the clauses. Section 1 of Article 27 of the Constitution reads as follows: "Only Mexicans by birth or by naturalization and Mexican companies have the right to acquire the ownership of lands, waters, and their accessions, or to obtain concessions for the exploitation of mines, water, or combustible minerals in the Mexican Republic. The State may grant the same right to foreigners provided they agree before the Department of Foreign Relations to be considered as nationals with respect to such property and not to invoke, therefore, the protection of their Government with respect to the same; under penalty of forfeiting to the nation, in the event that the agreement is violated, any property which they may have acquired by virtue of the same. Under no circumstances may foreigners acquire the direct ownership of lands and waters in a strip one hundred kilometers wide along the borders and fifty kilometers wide along the coast" [translation].

LUIS QUINTANILLA [SEAL]
ad referendum December 15, 1951

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

Charter dated at Rome March 15, 1940, as amended

*Notification of United States accession given to the Italian Government
at Rome March 13, 1964*

*Entered into force April 21, 1940; for the United States March 13,
1964*

Articles 5, 16, and 18 amended June 15–16, 1965 ¹

Article 6 amended December 18, 1967 ²

Articles 5, 11, and 16 amended February 18, 1969 ³

[For text, see 15 UST 2494; TIAS 5743.]

¹ 19 UST 7802; TIAS 6611.

² TIAS 6716.

³ Not in force as of July 1, 1969.

PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS (ACT OF HAVANA)

*Declaration and resolution adopted by the Second Meeting of the
Ministers of Foreign Affairs of the American Republics at Havana
July 30, 1940*

Entered into force July 30, 1940

54 Stat. 2491; Executive Agreement Series 199

ACT OF HABANA CONCERNING THE PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

WHEREAS:

1. The status of regions in this continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics;

2. As a result of the present European war there may be attempts at conquest, which has been repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent;

The Second Meeting of Ministers of Foreign Affairs of the American Republics,

DECLARES:

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account

the imperative need of continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions:

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudicial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just;

(b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

RESOLVES:

To create an emergency committee, composed of one representative of each of the American Republics, which committee shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.

If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its provisions in order to safeguard the peace of the continent, taking into account also the desires of the inhabitants of any of the above-mentioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

Reservation of the Argentine Delegation:

The Delegate of the Argentine Republic in signing this Act places on record that it does not refer to or include the Malvinas Islands, because the latter do not constitute a colony or possession of any European nation, since they are a part of the Argentine territory and are included within its dominion and sovereignty, as was stated at the Panama meeting, which statement he considers reiterated hereby in its entirety, and also with reference to other southern Argentine regions as he has stated in the deliberations of this Commission. He likewise states that the signing of this Act and Resolution does not affect and leaves intact his Government's powers established in the constitutional norms which obtain in Argentina, with respect to the procedure applicable in order that this Act and Resolution may acquire validity, force and effectiveness.

Reservation of the Uruguayan Delegation:

The Delegation of the Republic of Uruguay states that the purpose of this Act is to anticipate the carrying out of the Convention approved on this subject, in case it is necessary to apply the Convention before the number of ratifications requisite for its taking effect has been obtained.

It wishes, therefore, to place on record a reservation respecting the attitude of its Government, under the latter's express instructions, in case it should deem necessary, prior to the application of the Act, to examine the question of whether under the Uruguayan constitutional regime, prior legislative ratification is required.

Reservation of the Chilean Delegation:

The Delegation of Chile, convinced of the need of giving practical application to continental solidarity, approves the agreements with the understanding that Chile will only assume obligations and responsibilities when the aforementioned agreements are ratified by its constitutional bodies.

Reservation of the Colombian Delegation:

I vote affirmatively with the statement that I shall sign the Act of Habana and the Declaration concerning Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas, subject to approval by my Government and to the constitutional norms of my country.

Reservation of the Venezuelan Delegation:

The Venezuelan Delegation signs with the understanding that the Act of Habana relative to colonial possessions is subject to ratification by the Public Power of the Nation in accordance with its constitutional provisions.

Additional Reservation of the Chilean Delegation:

The Chilean Delegation, at the time of signing the present Final Act, makes reservation in addition to the reservation set forth in yesterday's Private Plenary Session, of the rights of Chile in Antarctica.

[The Act of Havana was included in the final act of the Second Meeting of Ministers of Foreign Affairs of the American Republics. The signatures were the same as those on the convention on the provisional administration of European colonies and possessions in the Americas (TS 977), which was signed on the same day (see p. 628).]

PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS (CONVENTION)

Convention signed at Havana July 30, 1940

Senate advice and consent to ratification September 27, 1940

Ratified by the President of the United States October 10, 1940

*Ratification of the United States deposited with the Pan American
Union October 24, 1940*

Entered into force January 8, 1942

Proclaimed by the President of the United States February 12, 1942

56 Stat. 1273; Treaty Series 977

CONVENTION ON THE PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

The Governments represented at the Second Meeting of Ministers of Foreign Affairs of the American Republics,

CONSIDERING :

One. That the American Republics have formulated at the Second Consultative Meeting the Act of Habana ¹ with regard to the destiny of colonies of non-American countries located in this hemisphere as well as with respect to the provisional administration of such colonies;

Two. That as a result of the events which are taking place in the European continent situations may develop in the territories of the possessions which some of the belligerent nations have in the Americas which may extinguish or materially impair the sovereignty which they exercise over them, or leave their government without a leader, thus creating a state of danger to the peace of the continent and a state of affairs in which the rule of law, order, and respect for life, liberty and the property of inhabitants may disappear;

Three. That the American Republics consider that force cannot constitute the basis of rights, and they condemn all violence whether under the form of conquest, of stipulations which may have been imposed by the belligerents in the clauses of treaty, or by any other process;

¹ EAS 199, *ante*, p. 619.

Four. That any transfer, or attempted transfer, of the sovereignty, jurisdiction, possession or any interest in or control over any such region to another non-American State, would be regarded by the American Republics as against American sentiments and principles and the rights of American States to maintain their security and political independence;

Five. That no such transfer or attempt to transfer or acquire any interest or right in any such region, directly or indirectly, would be recognized or accepted by the American Republics no matter what form was employed to attain such purposes;

Six. That by virtue of a principle of American international law, recognized by various conferences, the acquisition of territories by force cannot be permitted;

Seven. That the American Republics, through their respective government agencies, reserve the right to judge whether any transfer or attempted transfer of sovereignty, jurisdiction, cession or incorporation of geographic regions in the Americas, possessed by European countries up to September 1, 1939, has the effect of impairing their political independence even though no formal transfer or change in the status of such region or regions shall have taken place;

Eight. That in the cases foreseen, as well as any others which might leave the government of such regions without a leader, it is, therefore, necessary to establish a provisional administrative regime for such regions until such time as their definitive regime is established by the free determination of their people;

Nine. That the American Republics, as an international community which acts strongly and integrally, using as a basis political and juridical principles which they have applied for more than a century, have the unquestionable right, in order to preserve their unity and security, to take such regions under their administration and to deliberate as to their destinies, in accordance with their respective degrees of political and economic development;

Ten. That the provisional and transitory character of the measures agreed to does not imply an oversight or abrogation of the principle of non-intervention which regulates inter-American life, a principle proclaimed by the American Institute, recognized by the meeting of jurists held at Rio de Janeiro and fully reaffirmed at the Seventh International American Conference held at Montevideo;

Eleven. That this community has therefore international juridical capacity to act in this manner;

Twelve. That in this case, the most appropriate regime is that of a provisional administration; and that this system entails no danger because the American Republics do not entertain any purpose whatsoever of territorial aggrandizement;

Thirteen. That the establishment of a special provisional regime in the present convention and in the Act of Habana concerning the provisional administration of European colonies and possessions in the Americas does not eliminate or modify the system of consultation agreed upon at Buenos Aires, confirmed at Lima, and practiced at Panama and Habana.

Fourteen. Being desirous of protecting their peace and safety and of promoting the interests of any of the regions herein referred to which may fall within the purview of the foregoing recitations, have resolved to conclude the following convention:

I

If a non-American State shall directly or indirectly attempt to replace another non-American State in the sovereignty or control which it exercised over any territory located in the Americas, thus threatening the peace of the continent, such territory shall automatically come under the provisions of this convention and shall be submitted to a provisional administrative regime.

II

The administration shall be exercised, as may be considered advisable in each case, by one or more American States, with their previous approval.

III

When the administration shall have been established for any region it shall be exercised in the interest of the security of the Americas and for the benefit of the region under administration, with a view to its welfare and progress, until such time as the region is in a position to govern itself or is restored to its former status, whenever the latter is compatible with the security of the American Republics.

IV

The administration of the region shall be exercised under conditions which shall guarantee freedom of conscience and of worship, subject to the regulations which public order and good habits may demand.

V

The administration shall enforce the local laws coordinating them with the purposes of this convention, but it may furthermore adopt such measures as may be necessary to meet situations in which such laws do not exist.

VI

In all that concerns commerce and industry, the American nations shall enjoy the same situation and benefits, and the administrator is forbidden to establish a privileged position for itself or its nationals or for certain states. Open economic relations shall be maintained with all countries on a reciprocity basis.

VII

Natives of the region shall participate, as citizens, in public administration and in the courts of justice without further qualification than their capacity so to do.

VIII

To the extent that it may be practicable, rights of every sort shall be governed by local law and custom, and vested rights shall be protected in accordance with such law.

IX

Forced labor shall be abolished in the regions where it exists.

X

The administration shall provide facilities for education of all kinds with the two-fold purpose of developing the wealth of the region and improving the living conditions of the population, especially as regards public and individual hygiene and preparation for the exercise of political autonomy as soon as possible.

XI

The natives of a region under administration shall have their own Organic Act which the administration shall establish, consulting the people in whatever manner is possible.

XII

The administration shall submit an annual report to the inter-American organization entrusted with the control of the regions under administration, of the manner in which it has fulfilled its functions, attaching thereto copies of its accounts and of the measures adopted in the region during the year.

XIII

The organization referred to in the preceding article shall be competent to take cognizance of the petitions submitted by inhabitants of the region through the medium of the administration, with reference to the exercise of the provisional administration. The administration shall transmit, with this petition, such observations as it may deem proper.

XIV

The first administration shall be granted for a period of three years; at the end of this period, if necessary, it shall be renewed for successive periods not longer than ten years.

XV

The expenses incurred in the exercise of the administration shall be defrayed with the revenues of the region under administration but in case they

are insufficient the deficit shall be met by the State or States which act as administrators.

XVI

A commission to be known as the "Inter-American Commission for Territorial Administration" is hereby established, to be composed of a representative from each one of the States which ratifies this convention; it shall be the international organization to which this convention refers. Once this convention has become effective, any country which ratifies it may convoke the first meeting proposing the city in which it is to be held. The Commission shall elect its chairman, complete its organization and fix its definitive seat. Two-thirds of the members of the Commission shall constitute a quorum and two-thirds of the members present may adopt decisions.

XVII

The Commission is authorized to establish a provisional administration in the regions to which the present convention refers; allow such administration to be exercised by the number of States which it may determine in each case, and supervise its exercise under the term of the preceding articles.

XVIII

None of the provisions contained in the present convention refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

XIX

The present convention is open for signature by the American Republics at the City of Habana and shall be ratified by the High Contracting Parties in conformity with their constitutional procedures. The Secretary of State of the Republic of Cuba shall transmit at the earliest possible date authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

The present convention shall enter into force when two-thirds of the American Republics have deposited their respective instruments of ratification.

In witness whereof, the undersigned Plenipotentiaries, having deposited their powers found to be in due and proper form, sign this convention on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.²

² The convention was signed on July 30, 1940; dates do not appear opposite the signatures.

Reservation of the Chilean Delegation:

The Chilean Delegation, convinced of the necessity of effecting practically the continental solidarity, approves the resolution, making clear that Chile shall only acquire commitments and responsibilities when the said resolution shall have been ratified by its constitutional organisms.

Reservation of the Argentine Delegation:

The Delegate of the Argentine Republic in signing this Act places on record that it does not refer to or include the Malvinas Islands, because the latter do not constitute a colony or possession of any European nation, since they are a part of the Argentine territory and are included within its dominion and sovereignty, as was stated at the Panama meeting, which statement he considers reiterated hereby in its entirety, and also with reference to other southern Argentine regions as he has stated in the deliberations of this Commission. He likewise states that the signing of this Act and Resolution does not affect and leaves intact his Government's powers established in the constitutional norms which obtain in Argentina, with respect to the procedure applicable in order that this Act and Resolution may acquire validity, force and effectiveness.

Reservation of the Colombian Delegation:

I vote in the affirmative with the suggestion that I shall sign the Convention, subject to the approval by my Government and the constitutional standards of my country.

Reservation of the Venezuelan Delegation:

The Venezuelan Delegation signs with the understanding that the Convention concerning the colonial possessions remains subject to the public powers of the nation, in accordance with its constitutional provisions.

Additional Reservation of the Chilean Delegation:

The Chilean Delegation, at the time of signing this Convention, in addition to the reservation set forth at yesterday's meeting, makes reservation of Chile's rights in Antarctica.

Honduras:

SILVERIO LAINEZ

[SEAL]

Haiti:

LEON LALEAU

[SEAL]

Costa Rica:

LUIS ANDERSON

[SEAL]

Mexico:

EDUARDO SUAREZ

[SEAL]

Argentina:

With the explanation and reservation
formulated in the Act [translation].

LEOPOLDO MELO

[SEAL]

Uruguay:

P. MANINI RIOS

[SEAL]

Ecuador:

J. TOBAR DONOSO

[SEAL]

Bolivia:		Venezuela:	
ENRIQUE FINOT	[SEAL]	DIóGENES ESCALANTE	[SEAL]
Chile:		El Salvador:	
SCHNAKE	[SEAL]	H. ESCOBAR SERRANO	[SEAL]
Brazil:		Dominican Republic:	
M. NABUCO	[SEAL]	EMILIO GARCIA GODOY	[SEAL]
Cuba:		Peru:	
MIGUEL ANGEL CAMPA	[SEAL]	LINO CORNEJO	[SEAL]
Paraguay:		Nicaragua:	
TOMÁS SALOMONI	[SEAL]	MARIANO ARGÜELLO	[SEAL]
Panama:		Guatemala:	
NARCISO GARAY	[SEAL]	CARLOS SALAZAR	[SEAL]
Colombia:		United States of America:	
LUIS LOPEZ DE MESA	[SEAL]	CORDELL HULL	[SEAL]

NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE

*Convention opened for signature at the Pan American Union October 12, 1940, and signed for the United States October 12, 1940;
annex*

Senate advice and consent to ratification April 7, 1941

Ratified by the President of the United States April 15, 1941

Ratification of the United States deposited with the Pan American Union April 28, 1941

Entered into force April 30, 1942

Proclaimed by the President of the United States April 30, 1942

56 Stat. 1354; Treaty Series 981

CONVENTION ON NATURE PROTECTION AND WILD LIFE PRESERVATION IN THE WESTERN HEMISPHERE

PREAMBLE

The governments of the American Republics, wishing to protect and preserve in their natural habitat representatives of all species and genera of their native flora and fauna, including migratory birds, in sufficient numbers and over areas extensive enough to assure them from becoming extinct through any agency within man's control; and

Wishing to protect and preserve scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects of aesthetic, historic or scientific value, and areas characterized by primitive conditions in those cases covered by this Convention; and

Wishing to conclude a convention on the protection of nature and the preservation of flora and fauna to effectuate the foregoing purposes, have agreed upon the following Articles:

ARTICLE I

Description of terms used in the wording of this Convention.

1. The expression NATIONAL PARKS shall denote:

Areas established for the protection and preservation of superlative scenery, flora and fauna of national significance which the general public may enjoy and from which it may benefit when placed under public control.

2. The expression NATIONAL RESERVES shall denote:

Regions established for conservation and utilization of natural resources under government control, on which protection of animal and plant life will be afforded in so far as this may be consistent with the primary purpose of such reserves.

3. The expression NATURE MONUMENTS shall denote:

Regions, objects, or living species of flora and fauna of aesthetic, historic or scientific interest to which strict protection is given. The purpose of nature monuments is the protection of a specific object, or a species of flora or fauna, by setting aside an area, an object, or a single species, as an inviolate nature monument, except for duly authorized scientific investigations or government inspection.

4. The expression STRICT WILDERNESS RESERVES shall denote:

A region under public control characterized by primitive conditions of flora, fauna, transportation and habitation wherein there is no provision for the passage of motorized transportation and all commercial developments are excluded.

5. The expression MIGRATORY BIRDS shall denote:

Birds of those species, all or some of whose individual members, may at any season cross any of the boundaries between the American countries. Some of the species of the following families are examples of birds characterized as migratory: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

ARTICLE II

1. The Contracting Governments will explore at once the possibility of establishing in their territories national parks, national reserves, nature monuments, and strict wilderness reserves as defined in the preceding article. In all cases where such establishment is feasible, the creation thereof shall be begun as soon as possible after the effective date of the present Convention.

2. If in any country the establishment of national parks, national reserves, nature monuments, or strict wilderness reserves is found to be impractical at present, suitable areas, objects or living species of fauna or flora, as the case may be, shall be selected as early as possible to be transformed into national parks, national reserves, nature monuments or strict wilderness reserves as soon as, in the opinion of the authorities concerned, circumstances will permit.

3. The Contracting Governments shall notify the Pan American Union of the establishment of any national parks, national reserves, nature monuments, or strict wilderness reserves, and of the legislation, including the methods of administrative control, adopted in connection therewith.

ARTICLE III

The Contracting Governments agree that the boundaries of national parks shall not be altered, or any portion thereof be capable of alienation, except

by the competent legislative authority. The resources of these reserves shall not be subject to exploitation for commercial profit.

The Contracting Governments agree to prohibit hunting, killing and capturing of members of the fauna and destruction or collection of representatives of the flora in national parks except by or under the direction or control of the park authorities, or for duly authorized scientific investigations.

The Contracting Governments further agree to provide facilities for public recreation and education in national parks consistent with the purposes of this Convention.

ARTICLE IV

The Contracting Governments agree to maintain the strict wilderness reserves inviolate, as far as practicable, except for duly authorized scientific investigations or government inspection, or such uses as are consistent with the purposes for which the area was established.

ARTICLE V

1. The Contracting Governments agree to adopt, or to propose such adoption to their respective appropriate law-making bodies, suitable laws and regulations for the protection and preservation of flora and fauna within their national boundaries, but not included in the national parks, national reserves, nature monuments, or strict wilderness reserves referred to in Article II hereof. Such regulations shall contain proper provisions for the taking of specimens of flora and fauna for scientific study and investigation by properly accredited individuals and agencies.

2. The Contracting Governments agree to adopt, or to recommend that their respective legislatures adopt, laws which will assure the protection and preservation of the natural scenery, striking geological formations, and regions and natural objects of aesthetic interest or historic or scientific value.

ARTICLE VI

The Contracting Governments agree to cooperate among themselves in promoting the objectives of the present Convention. To this end they will lend proper assistance, consistent with national laws, to scientists of the American Republics engaged in research and field study; they may, when circumstances warrant, enter into agreements with one another or with scientific institutions of the Americas in order to increase the effectiveness of this collaboration; and they shall make available to all the American Republics equally through publication or otherwise the scientific knowledge resulting from such cooperative effort.

ARTICLE VII

The Contracting Governments shall adopt appropriate measures for the protection of migratory birds of economic or aesthetic value or to prevent

the threatened extinction of any given species. Adequate measures shall be adopted which will permit, in so far as the respective governments may see fit, a rational utilization of migratory birds for the purpose of sports as well as for food, commerce, and industry, and for scientific study and investigation.

ARTICLE VIII

The protection of the species mentioned in the Annex to the present Convention, is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

ARTICLE IX

Each Contracting Government shall take the necessary measures to control and regulate the importation, exportation and transit of protected fauna or flora or any part thereof by the following means:

1. The issuing of certificates authorizing the exportation or transit of protected species of flora or fauna, or parts thereof.
2. The prohibition of the importation of any species of fauna or flora or any part thereof protected by the country of origin unless accompanied by a certificate of lawful exportation as provided for in Paragraph 1 of this Article.

ARTICLE X

1. The terms of this convention shall in no way be interpreted as replacing international agreements previously entered into by one or more of the High Contracting Powers.

2. The Pan American Union shall notify the Contracting Parties of any information relevant to the purposes of the present Convention communicated to it by any national museums or by any organizations, national or international, established within their jurisdiction and interested in the purposes of the Convention.

ARTICLE XI

1. The original of the present Convention in Spanish, English, Portuguese and French shall be deposited with the Pan American Union and opened for signature by the American Governments on October 12, 1940.

2. The present Convention shall remain open for signature by the American Governments. The instruments of ratification shall be deposited with the Pan American Union, which shall notify their receipt and the dates thereof, and the terms of any accompanying declarations or reservations, to all participating Governments.

3. The present Convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union.

4. Any ratification received after the date of the entry into force of the Convention, shall take effect three months after the date of its deposit with the Pan American Union.

ARTICLE XII

1. Any Contracting Government may at any time denounce the present Convention by a notification in writing addressed to the Pan American Union. Such denunciation shall take effect one year after the date of the receipt of the notification by the Pan American Union, provided, however, that no denunciation shall take effect until the expiration of five years from the date of the entry into force of this Convention.

2. If, as the result of simultaneous or successive denunciations, the number of Contracting Governments is reduced to less than three, the Convention shall cease to be in force from the date on which the last of such denunciations takes effect in accordance with the provisions of the preceding Paragraph.

3. The Pan American Union shall notify all of the American Governments of any denunciations and the date on which they take effect.

4. Should the Convention cease to be in force under the provisions of Paragraph 2 of this article, the Pan American Union shall notify all of the American Governments, indicating the date on which this will become effective.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention at the Pan American Union, Washington, D.C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

For Bolivia:

LUIS F. GUACHALLA [SEAL]
October 12, 1940

For Cuba:

PEDRO MARTINEZ FRAGA [SEAL]
October 12, 1940

For El Salvador:

HECTOR DAVID CASTRO [SEAL]
October 12, 1940

For Nicaragua:

LEON DE BAYLE [SEAL]
October 12, 1940

For Peru:

M. DE FREYRE S. [SEAL]
October 12, 1940

For the Dominican Republic:

JULIO VEGA BATLLE [SEAL]
October 12, 1940

For the United States of America:

CORDELL HULL [SEAL]
October 12, 1940

For Venezuela:

DIóGENES ESCALANTE [SEAL]
October 12, 1940

For Ecuador:

C. E. ALFARO [SEAL]
October 12, 1940

For Costa Rica:

LUIS FERNANDEZ [SEAL]
October 24, 1940

For Mexico:

F. CASTILLO NAJERA [SEAL]
November 20, 1940

For Uruguay:

J. RICHLING [SEAL]
December 9, 1940

For Brazil:

ARNO KONDER
December 27, 1940

[SEAL]

For Chile:

RODOLFO MICHELS
January 22, 1941

[SEAL]

For Colombia:

GABRIEL TURBAY
January 17, 1941

[SEAL]

[The convention was signed for Guatemala on April 9, 1941; for Haiti on April 29, 1941; for Argentina on May 19, 1941; and for Panama on December 16, 1965.]

ANNEX

LISTS OF SPECIES REFERRED TO IN ARTICLE VIII OF THE CONVENTION

(Arranged according to date of certification)

United States of America

DEPARTMENT OF STATE

WASHINGTON

January 27, 1941

MY DEAR DR. ROWE:

Reference is made to your letter of October 26, 1940, with which you sent to the Department a certified copy of the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere, which was opened for signature at the Pan American Union on October 12, 1940, and which includes the signatures of the plenipotentiaries of the countries for which the Convention was signed on that day.

In relation to the Annex mentioned in Article VIII of the Convention and in the third paragraph of your letter, I may advise you that the Department has been informed by Dr. Alexander Wetmore, Representative of the United States on the Inter-American Commission of Experts on Nature Protection and Wild Life Preservation, that it was intended by that Commission, in formulating the Convention, that the Government of each of the American Republics which becomes a party to the Convention shall have the authority, but that it shall not be mandatory upon it, to prepare and to transmit to the Pan American Union its own list of the species of flora or fauna, including migratory birds, which it considers, in respect of its own territory, should be included as a part of the Annex, and that copies of such lists as may be received by the Pan American Union from any of the signatory Governments will be sent by the Union to each of the other signatory Governments.

It is understood by the Department that such lists are to be considered as flexible rather than permanent in character and may from time to time be modified or altered by the respective Governments by the addition or re-

removal of such species from their several lists as changes in conditions may seem to them to warrant.

The Department encloses, for deposit with the original Convention and transmission to the other signatory Governments, a list of the species to be included for the United States of America in the Annex to the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere. The enclosed list is submitted in accordance with a recommendation made by a committee composed of representatives of interested offices of this Government, as communicated to the Department by Dr. Wetmore of the Smithsonian Institution.

Sincerely yours,

CORDELL HULL

The Honorable

LEO S. ROWE,

Director General of the Pan American Union.

[ENCLOSURE]

List of Species To Be Included for the United States of America in the Annex to the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere

Woodland Caribou

Sea Otter

Manatee

Trumpeter Swan

California Condor

Whooping Crane

Eskimo Curlew

Hudsonian Godwit

Puerto Rican Parrot

Ivory-billed Woodpecker

Rangifer caribou sylvestris

Enhydra lutris

Trichechus latirostris

Cygnus buccinator

Gymnogyps californianus

Grus americana

Phaeopus borealis

Limosa haemasticta

Amazona vittata

Campephilus principalis

*Brazil*¹

[TRANSLATION]

No. 121/661.03(20)

EMBASSY OF THE UNITED STATES OF BRAZIL

Washington, October 2, 1940.

MR. DIRECTOR GENERAL:

Supplementing my note no. 84 of June 15 last, I have the honor to enclose herewith a detailed list of animals and plants¹ considered by the Brazilian Government to be deserving of special or absolute protection. This list was drawn up by the National Game Board of the Ministry of Agriculture of Brazil.

2. The said list is for the purpose of complying with the decision made in May of this year by the Commission of Experts on Nature Protection and Wildlife Preservation.

¹ For a list of species of Brazilian flora, enclosed in a letter dated Oct. 10, 1941, see p. 658.

I take the opportunity to renew to Your Excellency the assurances of my high consideration.

CARLOS MARTINS PEREIRA E SOUSA

His Excellency Dr. L. S. Rowe,

Director General of the Pan American Union.

[ENCLOSURE]

*List of Animals Deserving of Protection—Report drawn up by the National Game Board
Wild Animals Considered as Deserving of Protection*

I—Special Protection (animals protected by an annual closed season)

<i>Grupo-Ordem</i>	<i>Familia</i>	<i>Nome vulgar</i>	<i>Espécie</i> ²
MAMMALIA			
Primates.....	Cebidae.....	Macacos, bugios...	Todas as espécies
	Callitrichidae.....	Micos, saguis.....	Idem
Carnivora.....	Procyonidae.....	Ju pará, coati.....	Idem
	Mustelidae.....	Iraras.....	Idem exceto Can- gambá (Mephitis spp.) (Conepatus spp.) Ariranha (Pteronura brasiliensis, Zimm.) e Lontra (Lutra para- nensis, Rengger).
	Felidae.....	Onças, sussuaranas..	Todas as espécies
	Canidae.....	Graxains, raposas...	Idem exceto o Guará (canus jubatus).
Rodentia.....	Cavidae.....	Cutia, capivara, paca, mocó.	Idem exceto a preá (cavea spp.)
	Dinomyidae.....	Pacarana.....	Dinomys branickii, Peters.
	Leporidae.....	Coelho.....	Sylvilagus spp.
	Echimiidae.....	Rato de espinho...	Todas as espécies
	Coendidae.....	Ouriços.....	Todas as espécies
Ungulata.....	Dicotylidae.....	Queixada, catete...	Idem
	Cervidae.....	Veados.....	Idem exceto o Cervo (Odocoerus dicho- tomus)
Edentata.....	Dasypodidae.....	Tatus.....	Todas as espécies
Marsupialia.....	Didelphidae.....	Cuicas, gambás....	Idem
AVES			
Tinamiformes....	Tinamidae.....	Macucos, inhambús, jaós, perdizes, codornas.	Idem
Anseriformes....	Anatidae.....	patos, marrecas....	Idem exceto o pato arminho (Cygnus melanocoryphus) e cisne de pescoço preto (Coscoroba coscoroba)
Galliformes.....	Cracidae.....	Matuns, jacus.....	Todas as espécies
	Phasianidae.....	Capueira.....	Idem
Gruiformes.....	Rallidae.....	Saracuras.....	Idem
	Cariamidae.....	Seriema.....	Cariama cristata (L.)
Charadriiformes...	Scolopacidae.....	Narcejas.....	Todas as espécies
	Recurvirostridae...	Massaricão.....	Idem
Columbiformes...	Columbidae.....	Pombas, rolas.....	Idem
REPTILIA			
	Boidae.....	Giboias, sucuris....	Idem
	Tejidae.....		
	Iguanidae.....	Lcgartos.....	Idem

² Where all species are protected, the words "todas as espécies" or "idem" appear; otherwise the particular species protected is named or, in some cases, "idem exceto" is given with a species, meaning that all species of that family are protected except the one or more specifically named. [Translator's note.]

II—Absolute Protection

<i>Grupo-Ordem</i>	<i>Familia</i>	<i>Nome vulgar</i>	<i>Espécie</i>
MAMMALIA			
Carnivora.....	Mustelidae.....	Ariranha, lontra, can- gamá	Pteronura brasiliensis (Zim.) Lutra paranensis Rengger, Mephitis spp. e Conepatus spp.
Carnivora.....	Canidae.....	Guará.....	Chrysocyon jubatus, Desmarest.
	Pinnipedia.....	Cachorrinho.....	Icticyon venaticus, Lund.
Rodentia.....	Octodontidae.....	Ratão do banhado..	Myocastor coypus, Molina.
Ungulata.....	Tapiridae.....	Anta.....	Tapirus americanus, Brisson.
	Cervidae.....	Cervo.....	Odocoerus dichotomus.
Edentata.....	Bradyrodidae.....	Preguiça.....	Todas as espécies.
	Mysmecophagidae..	Tamanduá.....	Idem.
AVES			
Rheiformes.....	Rheidae.....	Ema.....	Rhea americana e subespécies.
Tinamiformes....	Tinamidae.....	Macuco, perdiz, codornas.	Todas as espécies de Tinamus, Rynchotus e Nothura, em algumas regiões do país.
Sphenisciformes...	Spheniscidae.....	Pinguim.....	Spheniscus magellanicus (J. R. Forster).
Colymbiformes....	Colymbidae.....	Mergulhão.....	Todas as espécies
Procellariiformes..	Diomedidae.....	Albatroz.....	Idem
	Procellariidae.....	Procelária.....	Idem
	Hydrobatidae.....	Andorinhão.....	Idem
Pelecaniformes....	Phaetontidae.....	Rabo de palha....	Idem
	Pelecanidae.....	Pelicano.....	Pelecanus occidentalis (L.)
	Sulidae.....	Atobá.....	Todas as espécies
	Phalacrocoracidae..	Biguá.....	Idem
	Anhingidae.....	Carará.....	Anhinga anhinga (Lin.)
	Fragatidae.....	João Grande.....	Todas as espécies
Ciconiiformes.....	Ardeidae.....	Garça, socós.....	Idem
	Cochleariidae.....	Arapapá.....	Cochlearius cochlearia (L.)
	Ciconiidae.....	Jaburú, magoari....	Todas as espécies
	Threskiornithidae...	Curicaca, Corocoró.	Idem
	Phoenicopteridae...	Flamengo.....	Idem
Anseriformes.....	Anhimidae.....	Anhuma, tahã.....	Idem
	Anatidae.....	Pato arminho, cisne de pescoço preto.	Cygnus melanocoryphus (Molina), Coscoroba coscoroba (Molina).
Falconiformes....	Cathartidae.....	Urubu-rei.....	Sarcorhamphus papa (L.)
	Falconidae.....	Gavião carrapateiro, Harpia.	Milvago chimachima (Vieillot) e Harpia haypyja (L.)
Galliformes.....	Opisthocomidae....	Cigana.....	Opisthocomus hoazin (Müller)
Gruiformes.....	Aramidae.....	Carão.....	Todas as espécies
	Osofhiidae.....	Jacamin.....	Idem
	Heliornithidae.....	Patinho dagua....	Heliornis fulica (Boddaert)
	Eurypygididae.....	Pavãozinho.....	Eurypyga helias helias (Pallas)

II—Absolute Protection—Continued

<i>Grupo-Ordem</i>	<i>Familia</i>	<i>Nome vulgar</i>	<i>Espécie</i>
AVES—Con.			
Charadriiformes...	Rostratulidae.....	- -	Nicticryphes semicollaris (Vieillot)
	Haematopodidae...	Pirú-pirú.....	Haematopus ostralegus palliatu (Teminck)
	Charadriidae.....	Quero-quero.....	Todas as espécies
	Phalaropidae.....	- -	Steganopus tricolor (Vieillot)
	Burhinidae.....	Teo-teo.....	Burhimus bistriatus vocifer (L'Herminier).
	Laridae.....	Gaivotas.....	Todas as espécies
	Rhynopidae.....	Talhamar.....	Idem
Columbiformes...	Columbidae.....	Rolinhas.....	Idem
Cuculiformes...	Cuculidae.....	Anús, sacís.....	Idem
Psittaciformes...	Psittacidae.....	Papagaios, araras...	Idem
Strigiformes...	Tytonidae.....	Suindara.....	Idem
	Strigidae.....	Corujas.....	Idem
Caprimulgiformes...	Nyctibiidae.....	Urutaus.....	Idem
	Caprimulgidae.....	Curiangos.....	Idem
Micropodiiformes...	Micropodidae.....	Andorinhão.....	Idem
	Trochilidae.....	Beija-flor.....	Idem
Trogoniformes...	Trogonidae.....	Surucuás.....	Idem
Coraciiformes...	Alcedinidae.....	Martim pescador...	Idem
	Momotidae.....	Juruvas.....	Idem
Piciformes.....	Galbulidae.....	Arirambás.....	Idem
	Bucconidae.....	Macurús.....	Idem
	Captonidae.....	Capitão de bigode...	Idem
	Ramphastidae.....	Tucanos, araçaris...	Idem
	Picidae.....	Pica-paus.....	Idem
Passeriformes.....	Todas.....	Bentevis, sanhações, sabiás.	Idem
REPTILIA			
Chelonía.....	Destutinidae.....	Jaboti.....	Idem
ANFIBIOS			
Anuros.....	Todas.....	Sapos, rãs.....	Idem

III—Animals under study (observation)

MAMMALIA			
Primates.....	Cebidae.....	Macacos, bugios...	Todas as espécies
	Callitrichidae.....	Micos, saguís.....	Idem
Carnivora.....	Canidae.....	Guará.....	Chrysocyon jubatus Desmarest.
Pinnipedia.....	Trichecidae.....	Peixe-boi.....	Trichechus inunguis Pelzeln.
Rodentia.....	Todas exceto a Octodontidae.	Caxinguelês, cutias, pacaranas, coelhos.	Todas exceto o Myocastor coypus (rato do banhado) e a preá (Cavea spp.)
Ungulata.....	Tapiridae.....	Anta.....	Tapirus americanus Brisson.
	Cervidae.....	Veado.....	Odocoileus suaçuapara
Cetacea.....	Platanistidae.....	Boto.....	Inia spp.
	Delphinidae.....	Boto.....	Sotalia spp.
	Balaenidae.....	Balcia.....	Todas as espécies
Edentata.....	Dasypodidae.....	Tatus.....	Priodontes gigas tatu) canastra) e Cabassus unicinctus Linn. (tatu bola)

III—Animals under study (observation)—Continued

<i>Grupo-Ordem</i>	<i>Familia</i>	<i>Nome vulgar</i>	<i>Espécie</i>
AVES			
Charadriiformes...	Jacaniidae.....	Piaçoca.....	Todas as espécies
Gruiformes.....	Heliornithidae.....	Patinho dagua.....	Heliornis fulica (Boddaert)
	Cariamidae.....	Seriema.....	Cariama cristata (L.)
Rheiformes.....	Rheidae.....	Ema.....	Rhea americana e subespécies.
Falconiformes.....	Falconidae.....	Acauã.....	Herpetotheres cachin- nans queribundus- Bangs & Penard.
REPTILIA			
Chelonia.....	Cinosternidae.....	Tartaruga.....	Todas as espécies
	Pelomedusidae.....	Tartaruga.....	Idem
	Chelydidae.....	Tartaruga.....	Idem
IV—Wild Animals protected by the annual closed season (special protection) the hunting of which is permitted when, at any time, they become harmful.			
MAMMALIA			
Primates.....	Cebidae.....	Macacos.....	Todas as espécies
Carnivora.....	Procyonidae.....	Coati.....	Idem
	Mustelidae.....	Iraras.....	Idem
	Felidae.....	Onças.....	Idem
	Canidae.....	Guaxinim.....	Idem
Rodentia.....	Caviidae.....	Capivara.....	Idem
Ungulata.....	Dicotylidae.....	Queixada, catete...	Idem
Marsupialia.....	Didelphidae.....	Gambá.....	Idem
AVES			
Gruiformes.....	Cariamidae.....	Seriema.....	Cariama cristata (L.)
Falconiformes.....	Cathartidae.....	Urubú.....	Todas as espécies exceto o Urubú-rei (Sar- corhamphus papa) (L.)
	Falconidae.....	Gavião.....	Todas as espécies exceto o Carrapateiro (Milvago chimachima) (Vieil.)
Strigiformes.....	Strigidae.....	Caburézinho.....	Todas as espécies
Passeriformes.....	Todas.....	Bentevis, sanhaços, sabiás, chopins	Todas as espécies granívoras e frugívoras

Bolivia

[TRANSLATION]

LEGATION OF BOLIVIA

WASHINGTON

FEBRUARY 11, 1941.

MR. DIRECTOR GENERAL :

With reference to article VIII of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, I have the pleasure of transmitting herewith a list of Bolivian fauna and flora deserving of protection. The aforesaid list has been selected by the Ministry of National Economy of my country.

In accordance with the opinion expressed by the Department of State of the United States of America, this Legation considers that the lists which are to be included as part of the annex should be considered as "flexible rather than permanent in character and may from time to time be modified or altered by the respective Governments by the addition or removal of such species from their several lists as changes in conditions may seem to them to warrant."

I take the opportunity to renew to you the assurances of my distinguished consideration.

LUIS GUACHALLA

Dr. LEO S. ROWE,

Director General of the Pan American Union,

Washington, D.C.

[ENCLOSURE]

Bolivian Native Fauna Deserving of Protection

1. Chinchilla común	"Eriomy Chinchilla"
2. Vicuña	"Anchenia Vicuña"
3. Sapo	"Phrynsus Nigricans"
4. Chercán	"Cistothorus Músculus Rex"
5. Hornero	"Furnarius Rufus"
6. Golondrina común	"Hirundo Rústica"
7. Avestruz	"Rhea Americana"
8. Oso Hormiguero	"Ursus Furmicaris"
9. Tero-tero	"Belonopterus Cayennensis"
10. Chorlito	"Totanus Melanoleúcus"
11. Gaviota	"Larus Serranus" (Tsch)
12. Calandria	"Minus Modulator"
13. Chingolo o Pichitanca	"Lenotrichia Pileta"
14. Tordo	"Molotrus Bonariensis"
15. Carpintero	"Campephilus Magellanicus" (Gm)
16. Gallinazo	"Catharista Atrata"
17. Carancho	"Polyborus Tarsus" (Mol)
18. Testigo	"Pitangus Bolivianus"
19. Negrillo Ovejero	"Motothrus Purpurácens"
20. Garza Azúl o Real	"Ardea Caerulea" (Taez)
21. Garza Blanca grande	"Herodias Egretta" (Wila)

Bolivian Native Flora Deserving of Protection

1. Quina	"Cinchona Officinalis"
2. Molle	"Schinus Molle"
3. Pino Tarijeño	"Podocarpus Parlatorci"
4. Arbol de la Goma	"Elbea Elastica"
5. Keñua	"Poblepis Tarapacana"
6. Tipa	"Tipuana Speciosa"
7. Tarco	"Tecoma Leocoxyla"
8. Orcho Karalagua	"Cárica Lanceslata"
9. Algarrobo	"Prosopis Dulcis"

Nicaragua

[TRANSLATION]

LEGATION OF NICARAGUA
WASHINGTON, D.C.

No. 412.

APRIL 3, 1941.

MR. DIRECTOR GENERAL:

In the absence of the Minister I have the pleasure of referring to your kind communication dated October 26, 1940 relative to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which was deposited in the Pan American Union and opened for the signature of the Governments of the American republics on October 12, 1940.

We have just received a note from the Minister of Foreign Relations of Nicaragua forwarding to us a list of species of Nicaraguan fauna and flora which should be included in the respective annex referred to in article VIII of the said convention, which I am pleased to send you herewith.

I am, Mr. Director General, with assurances of my consideration,

Very respectfully yours,

ENID EDER PERKINS
Chancellor

The Honorable Dr. L. S. ROWE,
Director General,
Pan American Union,
Washington, D.C.

[ENCLOSURE]

Fauna

QUETZAL	Pharomacrus Mocinno	Familia Pájaros
PERDIZ	Lagopus rupertris	" Gallinas
GARZA	Ardea aegretti	" Ardeidas
COMADREJA	Mustela vulgaris	" Mustélidas
VENADO	Dorcelophus clavatus	" Cervidae
ARMADO	Dasyus gymnuras	" Dasypodidae
GUARDATINAJA	Coelogenys Paca	" Procyonidae
PIZOTE	Nasua marica	" Suidae

Flora

GUAYACAN	Guaiacum sanctum	Familia Zigofileas
ROBLE	Platymiscium polystachyum	" Dalbergieas
CEDRO	Cedrela odorata	" Cedreláceas
CAOBA	Swietenia mahogoni	" Cedreláceas
OCOTE	Pinus termifolia	" Coníferas
AGUACATE	Persea gratissima	" Lauráceas
CAUCHO	Hevea guyanensis	" Acalifeas

Argentina

[TRANSLATION]

EMBASSY OF THE ARGENTINE REPUBLIC

U.P. No. 8

WASHINGTON, D.C., May 8, 1941.

DR. LEO S. ROWE,

*Director General of the Pan American Union,
Washington, D.C.*

MR. DIRECTOR GENERAL:

I have the pleasure of writing to you, Mr. Director General, to inform you that, by decree no. 89180 of the Executive power dated April 23 last, the Government of my country has approved the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere and the undersigned has received instructions to proceed to sign the aforesaid convention with the following reservation:

"The existing wealth in the National Parks may only be exploited for commercial purposes in those regions which, though lacking the necessary characteristics to be considered as such, have been incorporated into their system solely in order to maintain uniformity of the action to be carried on within them and when such exploitation will not alter the general idea of the law which defines them and when they are large enough to maintain the principle of the regional development indicated by the need of each country."

At the same time I must point out to you, Mr. Director General, that the list of species of flora and fauna drawn up for the effects of article VIII of the convention, which is enclosed with this note, will not have a permanent character and may be changed and revised by the Government of my country.

I take the opportunity, Mr. Director General, to assure you of my distinguished consideration.

FELIPE A. ESPIL

[ENCLOSURE]

Animal Species in the National Parks and Reservations of Argentina Deserving of Protection

Mammals

- | | |
|---------------------------------|-------------------------|
| 1. Huemul | "Hippocamelus bisulcus" |
| 2. Guanaco | "Lama guanicoe" |
| 3. Pudu | "Pudu pudu" |
| 4. Zorro gris | "Pseudalopex gracilis" |
| 5. Zorro Colorado | "Pseudalopex culpaeus" |
| 6. Zorrino patagónico | "Conepatus Humboldtii" |
| 7. Zorro común | "Canis Azarae" |
| 8. Puma | "Puma concolor" |
| 9. Gato pajero | "Lynchailurus pajeros" |
| 10. Gato montés | "Oncifelis geoffroyi" |

Animal Species in the National Parks and Reservations of Argentina Deserving of Protection—Continued

Mammals—Continued

11. Pichi de la Patagonia	" <i>Zaedyus pichiy caurinus</i> "
12. Tucú-Tucú de Santa Cruz	" <i>Ctenomys sericeus</i> "
13. Cururu de Magallanes	" <i>Ctenomys magellanicus</i> "
14. Rata nutria	" <i>Myocastor coypus</i> "
15. Huillín	" <i>Lutra provocax</i> "
16. Liebre patagónica	" <i>Dolichotis australis</i> "
17. Vizcacha patagónica	" <i>Lagidium boxi</i> "
18. Hurón patagónico	" <i>Lyncodon patagonicus</i> "
19. Tucú-Tucú de las pampas	" <i>Ctenomys mendocinus</i> "

Birds

1. Condor	" <i>Vultur gryfus</i> "
2. Aguila blanca	" <i>Geranoaetus melanoleucus australis</i> "
3. Aguila coronada	" <i>Harpyhalietus coronatus</i> "
4. Halcón	" <i>Cerchneis sparveria cinnamomina</i> "
5. Chimango	" <i>Milvago chimango</i> "
6. Carancho	" <i>Polyborus plancus</i> "
7. Gavilán	" <i>Circus cinereus</i> y <i>Circus Buffoni</i> "
8. Jote	" <i>Coragyps atratus</i> "
9. Gaviota	" <i>Larus maculipennis</i> y <i>Larus Domini-</i> <i>canus</i> "
10. Avutarda	" <i>Cloephaga picta</i> y <i>Colephaga Rubi-</i> <i>dicens Sclater</i> "
11. Gallaretas	" <i>Fulica armillata</i> , <i>F. leucoptera</i> y <i>F.</i> <i>rufifrons</i> "
12. Tero	" <i>Belonopterus chilensis</i> "
13. Bandurria	" <i>Theristicus caudatus malanopsis</i> "
14. Flamenco	" <i>Phoenicopterusruber chilensis</i> "
15. Cisne de cuello negro	" <i>Cygnus Malancoriphus</i> "
16. Garza mora	" <i>Arcea cocoi</i> "
17. Garza blanca grande	" <i>Casmerodius albus egretta</i> "
18. Choique-aveztruz petizo	" <i>Pterocnemia pennata</i> "
19. Perdiz chica de la Patagonia	" <i>Nothura Darwini</i> "
20. Torcaza araucana	" <i>Columba araucana</i> "
21. Pato vapor	" <i>Tachyres patachonicus</i> "
22. Pato de anteojos	" <i>Anas specularis</i> "

Plant Species in the National Parks and Reservations of Argentina Deserving of Protection

1. Ciprés	" <i>Libocedrus chilensis</i> "
2. Alerce	" <i>Fitzroya patagónica</i> "
3. Coihue	" <i>Nothofagus Dombeyi</i> "
4. Raulí	" <i>Nothofagus procera</i> "
5. Roble pellín	" <i>Nothofagus obliqua</i> "
6. Araucaria	" <i>Araucaria araucana</i> "
7. Lenga	" <i>Nothofagus pumilio</i> "
8. Nire	" <i>Nothofagus antártica</i> "
9. Radal	" <i>Lomatia obliqua</i> "
10. Arrayán	" <i>Myrceugenia apiculata</i> "
11. Calafate	" <i>Berberis buxifolia</i> "
12. Guindo	" <i>Nothofagus betuloides</i> "
13. Palo santo	" <i>Flotovia diacanthoides</i> "
14. Palo pichi	" <i>Fabiana imbricata</i> "
15. Laurel	" <i>Laurelia serrata</i> "
16. Notro	" <i>Embothrium coccineum</i> "
17. Maqui	" <i>Aristotelia maqui</i> "
18. Maitén	" <i>Maytenus boaria</i> "
19. Michai	" <i>Berberis Darwinii</i> "
20. Mañiu	" <i>Sexagotea conspicua</i> "
21. Maitén chico	" <i>Maytenus disticha</i> "
22. Retamo	" <i>Lippia juncea</i> "
23. Funique	" <i>Lomatia ferruginea</i> "
24. Grosellero	" <i>Ribes densiflora</i> "

Ecuador

[TRANSLATION]

EMBASSY OF ECUADOR
WASHINGTON

MAY 6, 1941.

MR. DIRECTOR GENERAL:

I take pleasure in transmitting to you herewith the list of Ecuadoran zoological species which, for the effects of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, should appear in the annex to the said convention.

I am, with my distinguished consideration, your obedient servant,

C. E. ALFARO
Ambassador of Ecuador

Dr. L. S. ROWE,

Director General of the Pan American Union,
Washington, D. C.

[ENCLOSURE]

*Fauna of Ecuador—Species Which Are To Be Protected as They Are Tending
To Become Extinct*

Mammals

Simians of the *Hapale*, *Midas* and *Callitrix* genera. These strange little monkeys, commonly called "Titís", are going farther and farther into our eastern forests since they are sought to be sold to foreign tourists who buy them at a good price. Some species are already quite rare.

Nutria (*Lutra* sp.). A beautiful species lives on rivers containing fish and is hunted for the commercial value of its skin. This native species is tending to disappear. It is advisable to see to its conservation.

Oso hormiguero (*Myrmecophaga jubata*). A very important zoological species, scattered along the coast. It is sought for its skin.

Llama (*Auchenia llama*). Native to the high regions. In its wild state it is almost extinct.

Birds

Condor (*Sarcorhamphus gryphus*). It is a magnificent bird which is tending to disappear in our territory and the hunting of it should absolutely be prohibited. I have seen lots of embalmed specimens sold to foreign travellers, passing through Guayaquil.

Guacamayos (*Ara* sps.) [macaws] and Tucanes (*Rhamphastos pteroglossus* sps.) [toucans]. These genera have some purely Ecuadoran species. Because of their attractive appearance and multicolored plumage they are sought for commercial purposes.

Paujé (*Urax pauxi*). This beautiful gallinacean is almost extinct at present. It is another type which must be protected.

Pájaros (*Passeres*) [parrots]. They are hunted without restriction. It is specially advisable to take severe measures to stop the war to the death which is being waged against the splendid little birds known as "Chupaflores", "Quindés" or "Colibríes" (*Trochilidae*) for the purpose of putting them on the market. Throughout the interior there are many hunters who keep large stocks of such small birds embalmed to offer them to travellers passing through Ecuadoran towns. As a result, some types of regional quindés are becoming constantly rarer.

Garzas (*Ardea* sp.) [herons]. These wading birds prefer the proximity of coastal rivers and swamps. They are killed because of the value of their plumage. The most sought-after forms are the *Ardea egretta* and the *Ardea candidissima*.

Fish

With respect to the protection of our fish, it would be well first of all rigidly to forbid fishing with "barbasco" (plants of the *Jacquinia* and *Piscidia* genera), a process which kills the spawn and fry. Many sea fish of economic importance come up the coastal rivers at a certain time of the year in search of warmer waters or sheltered places to lay their eggs and in this period—knowing their habits—fishing should be forbidden. No studies have been made in Ecuador to determine the months in which the fish spawn.

*List of Ecuadoran Zoological Species Which Should
Be Included in the Annex to the Convention*

REPTILES

Galápagos
todas las especies
Iguana de tierra

REPTILES

Galápagos Tortoise
All species
Land Iguana

Testudo

All Species
Conolophus subscristatus

AVES

Pájaro niño
Cuervo marino
Flamenco rosado

BIRDS

Galápagos Penguin
Flightless Cormorant
Flamingo

Spheniscus mendiculus
Nannopterum harrisi
Phoenicopterus ruber

MAMIFEROS

Lobo fino

MAMMALS

Galápagos Fur Seal

Arctocephalus galapagoensis

El Salvador

[TRANSLATION]

MINISTRY OF AGRICULTURE
REPUBLIC OF EL SALVADOR
C.A.

No. 436

NATIONAL PALACE
SAN SALVADOR (CUSCATLÁN)

April 19, 1941

Subject: Transmission of the list
of birds which deserve protec-
tion in El Salvador.

Dr. L. S. ROWE,
*President of the Pan American Union,
Washington, D.C., U.S.A.*

In conformity with article VIII of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, I have the honor to forward to you the enclosed list of avifauna of El Salvador, that it may be included in the respective annex.

I must not fail to inform you that, in conformity with what the convention under reference has determined in the matter, the aforesaid list is subject to additions, modifications, and eliminations, as circumstances may warrant.

With the assurances of my highest consideration, I am,

Your obedient servant,

JOSÉ TOMÁS CALDERÓN

[ENCLOSURE]

Last of Avifauna of El Salvador Which Should Be Included in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

Species Which Should Have Total Protection

<i>Orden</i>	<i>Familia</i>	<i>Especie</i> ¹	<i>Nombres vulgares</i>
Ciconiformes	Ardeidae	Todas	Garzas
	Cochlearidae	Todas	Garzas
	Ciconidae	Todas	Garzones
Cuculiformes	Cuculidae	Crotophaga sulcirostris, sulcirostris Swain.	Pijuyo
Trogoniformes	Trogonidae	Pharomochrus mocinno, mocinno De La Llave	Quetzal

Species With Partial Protection

<i>Orden</i>	<i>Familia</i>	<i>Especie</i>	<i>Nombres vulgares</i>
Anseriformes	Anátidae	Todas	Patos, pishishe, etc.
Galliformes	Phasianidae	Todas	Faisanes, Perdices, Codornices, etc.

Species With Total Protection Except When They May Cause Damage

<i>Orden</i>	<i>Familia</i>	<i>Especie</i>	<i>Nombres vulgares</i>
Cuculiformes	Tytomidae	Tyto alba Guatemalae (Ridway)	Tecolote
Psittaciformes	Psittacidae	Todas	Loras, Pericos.
Passeriformes	Todas	Todas	Golondrianas, Chíos, Guacalchías, Dichosofuí. et.

Under Study for Regulation Thereof

<i>Orden</i>	<i>Familia</i>	<i>Especie</i>	<i>Nombres vulgares</i>
Falconiformes	Todas	Todas	Zopilote, etc.

¹ Where the word "todas" appears, it means all species of that family.

Guatemala

[TRANSLATION]

LEGATION OF GUATEMALA
WASHINGTON, D.C.

MAY 6, 1941.

MR. DIRECTOR:

I have the pleasure of sending you herewith the list of species which the Government of Guatemala desires to protect in conformity with the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

In depositing this list, the Government of Guatemala wishes to declare that it shares the opinion expressed by the Secretary of State of the United States in the letter which he sent to you on January 27, 1941 to the effect that these lists should not be considered permanent, but rather flexible and subject to changes, as circumstances may warrant.

I am, your obedient servant,

ADRIÁN REGINOS

Dr. LEO S. ROWE, *Director,*
Pan American Union
Washington, D.C.

[ENCLOSURE]

List of Species Which Are To Be Included for Guatemala in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

Mammals

<i>Quadrumana</i>	
Mono saraguato	Mycetes villosus
Mico	Ateles vellerosus
<i>Cheiroptera</i>	
Musaraña	Sorex Veraepacis
<i>Carnivora</i>	
Puma.	Felis concolor
Tejón	Procyon lotor
Micoleón o perro de monte	Cercoleptes caudivolvulus
Perro de agua.	Lutra felina
<i>Sirenia</i>	
Manatí	Manatus latirostris (australis)
<i>Ungulata</i>	
Venado	Cariacus virginianus
Venado guisil o cabrito de monte.	Cariacus rufinus
<i>Rodentia</i>	
Tepezcuintle	Coelogenys paca (Geomys paca)

Indigenous Birds

Senzontle de la tierra	Turdus Grayi
"	" Swainsoni
"	" Rufitorques
" pico de oro.	Catharus Melpomenae
" mexicano	Mimus gilvus
Pito Real	Myadestes unicolor
Guardabarranca	" obscurus
Terciopelo	Ramphocoelus passerinae
Alcalde Mayor.	Ramphocoelus sanguinolenta
Cuatro colores	Cyanospiza ciris
Ruiz morado	Guiraca coerulea
Oropéndola	Ostinops monctezumae
Azacuan.	Buteo Suainsoni
Quetzal	Pharomacrus mocino
Martín pescador	Ceryle alcyon
Pavo dorado del Petén	Meleagris ocellata
Pavo de cacho del volcán de fuego	Oreophasis derbianus
Cigueña blanca	Mycteria americana
Alcaraván	Recurvirostris americana
Garza real blanca patas amarillas	Ardea aegretta
Garza de penacho oscuro y celeste pico negro	Ardea agami
Garza azul	Ardea coerulea
Garza blanca, patas negras y pico amarillo	Ardea candidissima
Garzón café	Ardea herodias
Garza tres colores.	Ardea tricolor
Garza roja	Ardea rufa
Garza listada	Ardea virescens
Garza de Atilán.	Ardea exilis
Garza rosada	Platalea ajaja
Garzón crema	Tantalus loculator
Garza plumiza	Nycticorax griseus
Garza azulada	Nyctanassa violacea

List of Species Which Are To Be Included for Guatemala in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Continued

Indigenous Birds—Continued

Garza petenera	Trigrisoma cabanis
Garza de Cobán	Botaurus lentiginosus
Pelicano.	Leptopelicanus fuscus
Gaviota	Atricilla atricilla
Pijije.	Dendrocigna autumnalis
Gallareta	Mareca americana

Trees and Species of the Flora of Guatemala

Aliso	Alnus Arguta (Sch.)
Acerola	Malpighia edulis (Donn. Smith)
Balsa	Ochroma limonensis (Rowlee)
Cacao volador.	Virola guatemalensis (Hems.)
Coralillo	Citharexylum Donnell Smithii (Greenman)
Castaño	Sterculia apetala (Jacq.)
Esquizuchitl	Bourreria formosa (D.C.)
Guayacán	Tebebuia guayacán (Hems.)
Guapinol	Hymenaea courbaril (L)
Ingerto zapote.	Calocarpum virides (Pittier)
Ilamo-anoma blanca.	Annona diversifolia (Safford)
Jacote de corona.	Spondias purpurea—L—
Matazano	Casimiroa edulis (La Llave)
Manzanilla	Crategus mexicana (Moc. & Sesse)
Matazano cimarron	Omphalea oleífera (Hems.)
Orejuelo	Cymbopetalum penduliflorum (Baill)
Palo de rosa	Dalbergia stevensonii (Stand)
Primavera-Palo blanco	Tebebuia Donnell Smithii (Rose)
Palo de leche	Couma guatemalensis (Stand.)
Pinabete.	Abies religiosa (H.B.K.)
Palo de Mico	Pterocarpus Septentrionalis (Stand.)
Tempisque	Sideroxylon tempisque (Pittier)
Tayuyo	Cheiranthodendrum penduliflorum (Baill)
Zapotillo	Achras Chicle (Pittier)

Mexico

[TRANSLATION]

EMBASSY OF MEXICO

WASHINGTON, D.C.

May 9, 1941

No. 2498

File No. 73-0/370(7:8)/1

MR. DIRECTOR GENERAL:

I beg to send you, enclosed herewith, the list of species which are to be included, on the part of my Government, in the annex to the eighth article of the convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, signed at Washington November 20, 1940.

I renew to you the assurances of my respectful consideration.

F. CASTILLO NÁJERA
Ambassador

Dr. L. S. ROWE,

*Director General of the Pan American Union,
Washington, D.C.*

[Enclosure]

*List of Species Which Are To Be Included for Mexico in the Annex to the Convention on
Nature Protection and Wildlife Preservation in the Western Hemisphere*

Berrendo	Antilocapra mexicana Merr.
Borrego salvaje	Ovis montana Cuvier.
Castor	Castor canadensis frondator.
Tapir	Tapirus americanus.
Aguila real	Aguila chrysactis Lin.
Garza blanca	Garzeta candidissima.

Dominican Republic

[TRANSLATION]

LEGATION OF THE DOMINICAN REPUBLIC
WASHINGTON

APRIL 16, 1941.

MR. DIRECTOR GENERAL:

On instructions from my Government, I have the honor to send you, under this same cover, a list of the species of Dominican fauna subject to control, in conformity with the provisions of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

I avail myself of this opportunity, Mr. Director General, to renew to you the assurances of my most distinguished consideration.

JULIO VEGA BATLLE
Chargé d'Affaires a. i.

Dr. L. S. ROWE,

*Director General of the
Pan American Union,
Washington, D.C.*

[ENCLOSURE]

*List of Species Which Are To Be Included for the Dominican Republic in the Annex to
the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Provisional List of Species Which Cannot Be Hunted or Captured Without
Previous Official Permit*

MAMIFEROS

Jutía o Hutía
Jutía de Tierra o Solenodonte

Plagiodontia hylaeum, Mill
Solenodon paradoxus, Brandt

List of Species Which Are To Be Included for the Dominican Republic in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Provisional List of Species Which Cannot Be Hunted or Captured Without Previous Official Permit—Continued

REPTILES

Sapos, ranas	Hylas spp.
Sapo de Surinam	Bufo marinus

AVES.

PELECANIFORMES

Alcatraz	Pelecanus occidentalis occidentalis, Linnaeus.
Tijerilla, Tijereta, o Rabijunco	Fregata magnificens, Mathews
Bubí	Sula leucogastra leucogastra, (Boddaert)

CICONIIFORMES

Garza Real o Garzón Blanco	Casmerodius albus egretta (Gmelin)
Garza Blanca	Egretta thula thula (Molina)
Garzón Ceniciento	Ardea herodias adoxa, Oberholser
Garza Colorada	Dichromanassa rufescens rufescens (Gmelin)
Garza Tricolor	Hydranassa tricolor ruficollis (Gosse)
Garza Azul	Florida caerulea caerulescens (Latham)
Gallinazo o Yaboa	Nycticorax nycticorax hoactl (Gmelin)
Faisán	Mycteria americana, Linnaeus
Ibis Blanco o Coco Blanco	Guara alba (Linnaeus)
Cuchareta o Espátula	Ajaia ajaia (Linnaeus)
Flamenco	Phoenicopterus ruber, Linnaeus
Martinete o Garzón Morado	Butorides virescens maculatus (Boddaert)
Martinete Chico	Ixobrychus exilis exilis (Gmelin)

ANSERIFORMES

Pato Chorizo	Nomonyx dominicus (Linnaeus)
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FALCONIFORMES

- - -	Buteo platypterus platypterus (Vieillot)
Codorniz o Coronisa	Colinus virginianus cubanensis (Gould)

GRUIFORMES

Gallareta Chiquita	Porzana flaviventer hendersoni, Bartsch
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CHARADRIIFORMES

Búcaro	Oedienemus dominicensis, Cory
Fraile o Playero	Oxyechus spp.
Gallito de Agua	Parra gymnostoma, Cory
	Sin. Jacana spinosa violacea (Cory)
Gaviota	Larus spp.
"	Sterna spp.
"	Thalasseus spp.
"	Chlidonias nigra surinamensis (Gmelin)
"	Anous stolidus stolidus (Linnaeus)
"	Gelochelidon nilotica aranca (Wilson)

COLUMBIFORMES

Perdiz Roja	Oreopeleia montana (Linnaeus)
Perdiz Gris	Oreopeleia chrysia (Bonaparte)
Perdiz Ceniza	Oreopcleia leucometopius, Chapman

PSITTACIFORMES

Cotorra	Amazona ventralis (Muller)
Perico	Aratinga chloroptera chloroptera (Suancé)

List of Species Which Are To Be Included for the Dominican Republic in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Provisional List of Species Which Cannot Be Hunted or Captured Without Previous Official Permit—Continued

CUCULIFORMES

Judío	Crotophaga ani, Linnaeus
Pájaro Bobo	Saurothera longirrostris longirrostris (Hermann)
" "	Coccyzus americanus americanus (Linnaeus)
" "	Coccyzus minor teres, Peters
" "	Hytornis rufigularis (Hartlaub)

STRIGIFORMES

Lchuza Oreja Corta	Asio domingensis domingensis (Muller)
Lchuza Orejuda	Asio stygius noctipetens, Riley
Cucú	Speotyto cunicularia troglodytes Sin.
	Speotyto dominicensis, Verrill

CAPRIMULGIFORMES

Don Juan o Guaragüaito	Nyctibius griseus abboti, Richmond
Querebebé o Crequeté ⁽¹⁾	Chordeiles minor vicinus, Riley
" " ⁽¹⁾	Chordeiles minor gundlachi, Laurence

MICROPODIFORMES

Zumbador	Anthractorax dominicus (Linnaeus) Sin.
"	Lampornis dominicus, Cory
	Riccordia swainsonii (Lesson) Sin. Spordinus elegans, Sallé
Zumbadorcito Minúsculo	Mellisuga minima vieilloti (Shaw)
Vencejo, Flechúo o Golondrina	Nepheocetes niger niger (Gmelin)
	Streptoprocne zonaris pallidifrons (Hartest)

TROGONIFORMES

Papagallo o Cotorrita de Sierra o Perico de Sierra	Temnotrogon roseigaster (Vieillot)
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CORACIFORMES

Martin Pescador ⁽¹⁾	Megaceryle alcyon alcyon, Linnaeus
Barranquero o Barrancolí	Todus subulatus, Gray
" "	Todus angustirostris, Lafresnaye

PASSERIFORMES

Golondrina	Progne dominicensis (Gmelin)
Ruiseñor	Mimus polyglottos dominicus (Linnaeus)
Sigua Canaria o Pinta Sigua	Icterus dominicensis (Linnaeus)
Sigua Verde o Mamonera	Phaenicophilus palmarum palmarum (Linnaeus)
Sigua Calandra o Gallito degollado	Loxia violacea affinis (Ridgway)
Jilguero	Myadestes genibarbis montanus, Cory
Sigüita o Reinita	Certhiola bananivora, Bryant
	Sin. Coereba bananivora bananivora (Gmelin)
Majulita o Sigua	Contopus hispaniolensis, Cory
	Sin. Blacicus hispaniolensis hispaniolensis (Bryant)
Chichigüao Buche Negro	Phonipara zena, Cory Sin. Tiaris bicolor marchii (Baird)
Chichigüao Garganta Amarilla	Phonipara olivacea, Sallé Sin. Tiaris olivacea olivacea (Linnaeus)

⁽¹⁾ Inmigrantes.

List of Species Which Are To Be Included for the Dominican Republic in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Provisional List of Species Which Cannot Be Hunted or Captured Without Previous Official Permit—Continued

PASSERIFORMES (continúa)

Julián Chiví o Bien te Veo

Sigüitas

"

"

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Organista

Cuervo

Cao

Vireo olivaceus olivaceus (Linnaeus)

Microigea spp.

Loximitris dominicensis (Bryant)

Brachyspiza capensis antillarum, Riley

Spindalis multicolor (Vieillot) Sin. Tanagra dominicensis, Bryant

Calyptophilus frugivorus frugivorus (Cory)

Tanagra musica (Gmelin) Sin. Euphonia musica, Sallé

Corvus leucognaphalus, Daudin

Corvus palmarum palmarum, Wurttemberg

NOTE: This provisional list of protected species of our fauna is made up of species mentioned in Game Law No. 85 of February 4, 1931, in Decree No. 900 on closed seasons, of December 27, 1940, and of additional species included by the Forest, Game, and Fishing Service of the Department of State for Agriculture, Industry, and Labor, some because of their usefulness in the battle against insects and rodents, and others because of their rarity.

Some of the species mentioned in the aforesaid law no. 85 are immigrants.

Cuba

[TRANSLATION]

EMBASSY OF CUBA

WASHINGTON, D.C.

SEPTEMBER 16, 1941.

MR. DIRECTOR GENERAL:

I have the honor to refer to your courteous communication dated July 15 last in which you were good enough to state that the list of species which is to be included in the annex to the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere may be sent to the Union at the time of signing the convention or subsequently.

On instructions from the Minister of State of my Government, I take pleasure in forwarding to you, herewith, the list of migratory species protected and that of native species which have the same privilege, as also a statement of the places declared to be avifauna refuges and [a list of] piscine species in the national territory, which have been drawn up by the Ministry of Agriculture.

I renew to you, Mr. Director General, the assurance of my most distinguished consideration.

A. F. CONCHESO

Dr. LEO S. ROWE,

Director General,

Pan American Union,

Washington.

[ENCLOSURE]

List of Migratory Species Protected by Presidential Decree No. 1,159 Which Are To Be Included for the Government of the Republic of Cuba in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

Cayamas	<i>Mycteria americana.</i>	
Sevillas	<i>Ajaia ajaia.</i>	
Zarapico Real	<i>Catoptophorus semipalmatus.</i>	
Zarapico de Patas Amarillas	<i>Totanus flavipes.</i>	
Zarapico	<i>Actitis maculatus.</i>	
Zarapico	<i>Phaeopus hudsonicus.</i>	
Zarapico	<i>Numenius americanus.</i>	
Zarapico	<i>Totanus melanoleucus.</i>	
Zarapico	<i>Pisobia fuscicollis.</i>	
Zarapico	<i>Limnodromus griseus Scolopaceus.</i>	
Zarapico	<i>Micropalama himantopus.</i>	
Zarapico	<i>Ereunetes pusillus.</i>	} Permanent Closed Season
Zarapico	<i>Ereunetes maurii.</i>	
Zararico	<i>Tryngites subroficollis.</i>	
Zarapico	<i>Limosa fedoa.</i>	
Zarapico	<i>Limosa haemastica.</i>	
Zarapico	<i>Crocethia alba.</i>	
Zarapico	<i>Pisobia melanotos.</i>	
Zarapiquito	<i>Tringa solitaria solitaria.</i>	
Gallinuclas	<i>Rallus limicola.</i>	
Gallinuclas	<i>Laterallus jamaicensis.</i>	
Gallinuclas	<i>Porzana carolina.</i>	
Gallinuclita	<i>Porzana flaviventer gossei.</i>	
Becasina	<i>Capella delicata.</i>	
Gallareta Americana	<i>Fulica americana.</i>	
Gallareta Azul	<i>Porphyryla martinica.</i>	
Gallareta de Pico Colorado	<i>Gallinula chloropus cerceris.</i>	
Gallego Real	<i>Larus argentatus smithsonianus.</i>	
Cocos Blancos	<i>Guara Alba.</i>	
Cocos Prietos	<i>Plegadis falcinellus falcinellus.</i>	
Cocos Rojos	<i>Guara rubra.</i>	
Guanaba de la Florida	<i>Nycticorax nycticorax.</i>	
Guanaba Real	<i>Nyctanassa violácea.</i>	
Guanaba Rojo	<i>Botaurus lentiginosus.</i>	
Guanana Blanca	<i>Chen hyperborea.</i>	
Guanana Prieta	<i>Chen caerulescens.</i>	
Guanana	<i>Anser albifrons.</i>	
Garzas	<i>Dichromanassa rufescens.</i>	
Garza Blanca	<i>Casmerodius albus.</i>	
Garza Real	<i>Egretta thula.</i>	
Garza Blanca	<i>Florida caerulea</i>	
Garza	<i>Dydranassa tricolor ruficollis.</i>	
Garcita	<i>Ixobrychus exilis.</i>	
Grulla	<i>Grus canadensis nesiotis.</i>	} Special Closed Season.
Flamenco	<i>Phoenicopterus ruber.</i>	
Petrel	<i>Oceanodroma leucorhoa.</i>	
Pampero	<i>Oceanites oceanicus.</i>	
Pampero	<i>Puffinus thermineri.</i>	
Pajaro Bobo	<i>Sula leucogaster.</i>	
Pajaro Bobo	<i>Sula-Sula.</i>	
Frailecillo	<i>Charadrius alexandrinus tenuirostris.</i>	
Frailecillo	<i>Charadrius semipalmatus.</i>	
Frailecillo	<i>Oxyechus vociferus vociferus.</i>	
Zancudo o Cachiporra	<i>Himantopus himantopus mexicanus.</i>	
Gaviota, Gaviota Real	<i>Thalasseus maximus maximus.</i>	
Gaviota Boba	<i>Anous stolidus stolidus.</i>	
Gaviota Monja	<i>Sterna anaethetus melanoptera.</i>	

List of Migratory Species Protected by Presidential Decree No. 1,159 Which Are To Be Included for the Government of the Republic of Cuba in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Continued

Gaviota Monja	<i>Sterna fuscata fuscata.</i>
Gaviota Prieta	<i>Chilidonia nigra surinamensis.</i>
Gaviota, Gaviota Pico de Tijera.	<i>Rynchops nigra nigra.</i>
Gaviota	<i>Thalasseus sandwicensis acutiflavus.</i>
Gaviota	<i>Gelochelidon nilotica aranea.</i>
Gaviota	<i>Sterna dougalli dougalli.</i>
Martin Pescador	<i>Magaceryle alcyon alcyon.</i>
Carpintero de Paso	<i>Sphyrapicus varius variu.</i>
Gavilan Caracolero	<i>Rothramus sociabilis.</i>
Golondrina. Vencejo	<i>Nephoetes niger niger.</i>
Golondrina	<i>Callichelidon cyaneoviridiers.</i>
Golondrina	<i>Petrochelidon fulva fulva.</i>
Golondrina	<i>Petrochelidon albifrons albifron.</i>
Golondrina	<i>Iridoprocne bicolor.</i>
Golondrina	<i>Riparia riparia riparia.</i>
Golondrina	<i>Hirundo erythrogaster.</i>
Vencejo de Collar	<i>Streptoprocne zonaris pallidifron.</i>
Guincho	<i>Pandion haliaetus.</i>
Pato de las Bahamas	<i>Dafila bahemensis.</i>
Pato Cuchareta	<i>Spatula clypeata.</i>
Pato de la Florida	<i>Querquedula discors.</i>
Pato Ingles	<i>Anas platyrhynchos.</i>
Pato Labanco	<i>Mareca americana.</i>
Pato Pescuecilarjo	<i>Dafila acuta.</i>
Pato Serrano	<i>Nettion carolinensis.</i>
Pato de Alas Azules	<i>Querquedula cyanoptera.</i>
Pato Negro. Pato Del Medio	<i>Nyroca collaris.</i>
Pato Morisco, Pato Turco	<i>Nyroca affinis.</i>
Pato	<i>Chaulelasnus streperus.</i>
Pato	<i>Nyroca americana.</i>
Pato	<i>Nyroca valisineria.</i>
Pato	<i>Nyroca marila.</i>
Pato	<i>Glaucionetta clangula.</i>
Pato	<i>Charitonetta albeola.</i>
Bobito Grande	<i>Myiarchus stolidus sagrae.</i>
Bobito Chico	<i>Blasicus caribaeus caribaeus.</i>
Bobito	<i>Myiarchus stolidus sagrae.</i>
Bobito	<i>BLASICUS VIRENS.</i>
Bobito	<i>Empidonax virescens.</i>
Bobito	<i>Sayornis phoebe.</i>
Bijirita	<i>Dendroica aestiva aestiva.</i>
Bijirita	<i>Dendroica magnolia.</i>
Bijirita	<i>Dendroica tigrina.</i>
Bijirita	<i>Dendroica caerulescens cairnsi.</i>
Bijirita	<i>Dendroica virens virens.</i>
Bijirita	<i>Dendroica caerulea.</i>
Bijirita	<i>Dendroica fusca.</i>
Bijirita	<i>Dendroica dominica.</i>
Bijirita Del Pinar	<i>Dendroica pithyophila.</i>
Bijirita	<i>Dendroica pensylvanica.</i>
Bijirita	<i>Dendroica striata.</i>
Bijirita	<i>Dendroica discolor.</i>
Bijirita	<i>Dendroica palmarum hypochrysea.</i>
Bijirita Trepadora	<i>Mniotilta varia.</i>
Bijirita	<i>Protonotaria citrea.</i>
Bijirita	<i>Limnithlypis swainsoni.</i>
Bijirita	<i>Helmitheros vermivorus.</i>
Bijirita	<i>Vermivora chrysoptera.</i>
Bijirita	<i>Vermivora bachmani</i>

List of Migratory Species Protected by Presidential Decree No. 1,159 Which Are To Be Included for the Government of the Republic of Cuba in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Continued

Bijirita	<i>Vermivora peregrina.</i>	
Bijirita	<i>Campsothlypis americana americana.</i>	
Bijirita	<i>Seiurus aurocapillus.</i>	
Bijirita	<i>Seiurus noveboracianus notabilis.</i>	
Bijirita	<i>Seiurus motacilla.</i>	
Bijirita	<i>Oporornis formosus.</i>	
Bijirita	<i>Geothlypis trichas ignota.</i>	
Pitirre Abejero	<i>Tyrannus dominicensis.</i>	
Pitirre	<i>Tyrannus tyrannus.</i>	
Picaflor. Zunzun	<i>Archilochus colubris.</i>	
Primavera	<i>Coccyzus americanus.</i>	
Tordo	<i>Hylocichla mustelina.</i>	
Tordo	<i>Hylocichla instulata.</i>	
Tordo	<i>Hylocichla minima aliciae.</i>	
Tordo	<i>Hylocichla fuscescens.</i>	
Mariposa	<i>Passerina ciris.</i>	
Predicador. Bienteveo	<i>Vireosilvia barbatula.</i>	} These Species Have no Common Names
	<i>Vireo noveboracensis.</i>	
	<i>Vireo flavifrons.</i>	
	<i>Vireo olivacea.</i>	
Zorzal Gato	<i>Dumetella carolinensis.</i>	
Zorzal Viajero	<i>Torvus migratorius migratorius.</i>	

List of Indigenous Mammals, Birds and Reptiles Protected Under Various Laws Which Are To Be Included for the Government of the Republic of Cuba in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

Venado	<i>Odontocoelus virginianus.</i>	} Limited Protection. Permanent Closed Season. Protection of a Permanent Character for These Species
Manati	<i>Trichechus manatus.</i>	
Hutia Andaraz	<i>Capromys melanurus.</i>	
Hutia Carabali	<i>Capromys prehensilis.</i>	
Hutia Enana	<i>Geocapromys nana.</i>	
Alcatraz	<i>Pelecanus fuscus.</i>	} Permanent Closed Season for These Species
Barbiquejo	<i>Oropeleia chrysis.</i>	
Boyeró. Torito	<i>Oropeleia montana.</i>	
Camao. Azulona	<i>Oropeleia caniceps caniceps.</i>	
Bijirita. Chillona Pechero	<i>Teretistris forni.</i>	
Cabretiro De La Cienaga	<i>Torreornis inexpectata.</i>	} Limited Protection for All These Species
Canario Del Manglar	<i>Dendroica petechia gundlachi.</i>	
Cao Montero	<i>Corvus nasicus.</i>	
Cao Pinalero	<i>Corvus palmarum minutus.</i>	
Flamenco	<i>Phoenicopterus ruber.</i>	
Carpintero Escapulario	<i>Colaptes chrysicaulus chrysicaulus.</i>	} Special Closed Season
Carpintero Churroso	<i>Nesocoeleus fernandinae.</i>	
Carpintero Jabado	<i>Centurus superciliosus.</i>	
Carpintero Real	<i>Campephilus principalis biardi.</i>	
Carpintero Roan	<i>Xiphidiopicus percussus percussus.</i>	
Carpintero Jabado	<i>Xiphidiopicus percussus insulae pinorum.</i>	
Catey. Periquito	<i>Aratinga euops.</i>	
Cotorra	<i>Amazona leucocephala.</i>	
Codorniz	<i>Colinus virginianus cubensis.</i>	
Colibri. Zunzuncito Zumbador	<i>Capite helenae.</i>	
Ferminia	<i>Ferminia cerverai.</i>	
Gallinuela Sin Cola	<i>Cyanolinnas cerverai.</i>	
Gavilan Batista	<i>Buteogallus gundlachi.</i>	
Gavilan Babosero. Gavilan Caracolero	<i>Chondrohierax wilsoni.</i>	

List of Indigenous Mammals, Birds and Reptiles Protected Under Various Laws Which Are To Be Included for the Government of the Republic of Cuba in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Con.

Guabairo	<i>Caprimulgus cubanensis.</i>
Chillona. Chillona	<i>Teretistris fernandinae.</i>
Chillona. Pechero. Bijirita	<i>Teretistris fornsi.</i>
Chinchiguao. Juan Chivi.	<i>Vireo gundlachi.</i>
Ojon	
Chirriador. Toti de la Cienaga	<i>Agelaius assimilis subniger.</i>
Choncholi. Toti	
Rabijunco	<i>Ptiloxena atroviolácea.</i>
Querequete	<i>Phaeton lepturus.</i>
Ruiseñor de Isla de Pinos	<i>Chordeiles minor gundlachi.</i>
Torcaza Boba	<i>Myadestes elisabeth retrusus.</i>
Sabanero	<i>Columba inornata inornata.</i>
Siguapa	<i>Sturnella magna hippocrepis.</i>
Siju. Cuco. Cotunto	<i>Asio stygius siguapa.</i>
Siju. Siju Platanero	<i>Gymnasio lawrencei.</i>
Lechuza	<i>Glaucidion siju.</i>
Taco. Arriero	<i>Tyto alba furcata.</i>
Tocoloro. Toco-ro-ro	<i>Saurothera merlini merlini.</i>
Tomeguin del Pinar. Sencrenco	<i>Priotelus temnurus.</i>
Tomeguin. Tomeguin de la Tierra. Viudita	<i>Tiaris canora.</i>
Yaguaza	
Zaramagullon Grande	<i>Tiaris olivácea olivácea.</i>
Zaramagullon Chico	<i>Dendrocygna arborea.</i>
Zorzal Real. Zorzal de Patas Coloradas	<i>Podilymbus podiceps.</i>
Caiman	<i>Colymbus dominicus.</i>
	<i>Mimocichla rubripes rubripes.</i>
	<i>Crocodylus acutus.</i>

List of Places Declared To Be Game and Fish Refuges in the National Territory Which Are To Be Included for the Government of the Republic of Cuba in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

National Flamingo Refuge	Northern and Southern Coasts of the Provinces of Santa Clara and Camaguey.
"National Game and Fish Refuge"	All the Zapata Marsh From the Hatiguanico River to Cienfuegos Bay, the Northern and Southern Coasts Thereof and All the Swampy Area Included Within the Aforesaid Marsh. Provinces of Havana, Matanzas and Santa Clara.
"El Cristal" National Park	Sagua de Tanamo-Mayari-Orte.
"National Game and Fish Refuge"	Topes de Collantes, Province of Santa Clara.
"Juan Gundlach" National Game and Fish Refuge.	All the Zone of the Province of Havana, Included Between the Sea and the Following Highways: From Santa Fe to Punta Brava, Punta Brava to Arroyo Arenas, Arroyo Arenas to Wajay, Wajay to Mazorra, Mazorra to Rancho Boyeros, Ranchos Boyeros to Arroyo Apolo, Arroyo Apolo via Luyano to Guanabacoa and Guanabacoa to Cojimar, Within Which Are Included the Bosque de la Habana, Country Club Park, Jaimanitas Country Club, La Coronela, Torrecillas and Mazorra.

Brazil

[TRANSLATION]

No. 86/661.03(20)

EMBASSY OF THE UNITED STATES OF BRAZIL

Washington, October 10, 1941

MR. DIRECTOR GENERAL:

With reference to my note no. 15 of February 19 last, I have the honor to send Your Excellency herewith a partial list of the species of Brazilian flora of great and moderate importance which are deserving of special protection.

The aforesaid list was sent to Itamaratú by the Ministry of Agriculture in order to be transmitted to the Pan American Union, in compliance with the provisions of article VIII of the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere.

I take the opportunity to renew to Your Excellency the assurances of my high consideration.

CARLOS MARTINS PEREIRA E SOUSA

His Excellency Dr. L. S. ROWE,

Director General of the Pan American Union.

[ENCLOSURE]

*Partial List of Species of Brazilian Flora, of Great and Average Importance,
Deserving of Special Protection*

Pau Brasil—*Caesalpinia echinata* Lam.
Jacarandá-cabiúna—*Dalbergia nigra* Allem.
Jequitibá rosa—*Cariniana Brasiliensis* Cas.
Sapucaia—*Lecythis pisonis* Camb.
Imbuia—*Phoebe porosa* (Nees) Mêz.
Cedro—*Cedrela fissilis* Vell.
Sucupira—*Bowdichia nitida* Spruce.
Peroba de campos—*Parathecoma peroba* (Record) Kuhlman.
Pau setim—*Aspidosperma eburneum* Allem.
Imburana—*Torresia cearensis* Fr. All.
Oiticica—*Licania rigida* Benth.
Andiroba—*Carapa guianensis* Aubl.
Pinho do Paraná—*Araucaria angustifolia* (Dert.) O. Ktze.
Carnaúba—*Copernicia cerifera* Mart.
Genipapo—*Genipa americana* L.
Braúna—*Melanoxylon Brauna* Schott.
Oleo Vermelho—*Myroxylon peruiferum* L.F.
Oleo Pardo—*Myrocarpus fastigiatus* Allem.
Pau ferro—*Caesalpinia ferrea* Mart.
Guarabú roxo—*Peltogyne confertiflora* Benth.
Jatobá—*Humenaea courbaril* L.
Massaranduba—*Mimusops Salzmännii* A. DC.
Merindiba bagre—*Terminalia januarensis* DC.
Sobragy—*Colubrina rufa* Reiss.
Jacarandá-tan—*Machaerium pedicellatum* Vog.
Guarajuba—*Terminalia acuminata* (Fr. All.) Eichl.
Grosahy-azeite—*Moldenhaueria floribunda* Schrad.
Pequiá-marfim—*Aspidosperma parvifolium* A. DC.
Itapicurú amarelo—*Goniorrhachis marginata* Taub.
Palmito—*Euterpe edulis* Mart.
Araribá rosa—*Centrolobium tomentosum* Benth.
Araribá robusto—*Centrolobium robustum* Mart.

Partial List of Species of Brazilian Flora, of Great and Average Importance, Deserving of Special Protection—Continued

Folha larga—*Platycamus Regnellii* Benth.
 Vinhatico—*Plathymenia foliolosa* Benth.
 Aroeira do sertão—*Astronium urundeuva* Engl.
 Jequitibá de manta—*Couratari rufescens* Camb.
 Cangerana—*Cabralea cangerana* Saldanha.
 Ipê roxo—*Tecoma heptaphylla* Mart.
 Jacaré—*Piptadenia communis* Benth.
 Roxinho—*Peltogyne confertiflora* Benth.
 Pau marfim—*Agonandra brasiliensis* Benth.
 Pau marfim (S.P.) *Balfourodendron eburneum* Mello.
 Guarantã—*Esenbeckia leiocarpa* Engl.
 Guatambú—*Aspidosperma olivaceum* (Mart.) Muell. Arg.
 Louro pardo—*Cordia trichotoma* Vell.

Venezuela

[TRANSLATION]

EMBASSY OF VENEZUELA

WASHINGTON

No. 629

FEBRUARY 3, 1942.

MR. DIRECTOR GENERAL:

I have the honor to send you, enclosed herewith, a list of the plant and animal species which are to be included, on the part of the Government of Venezuela, in the annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

I take the opportunity to renew to you the assurances of my most distinguished consideration.

DIÓGENES ESCALANTE

The Honorable L. S. ROWE,

*Director General of the Pan American Union,
 Washington, D.C.*

[ENCLOSURE]

List of Plant and Animal Species Which Are To Be Included for the United States of Venezuela in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

Plant Species

1. Cedro	<i>Cedrela mexicana</i> , Roemer.
2. Caoba	<i>Swietenia Candollei</i> , Pittier.
3. Sarrapia	<i>Coumarouna odorata</i> , Aubl.
4. Sarrapia	<i>Coumarouna punctata</i> , S. F. Blake.
5. Coroba	<i>Jessenia polycarpa</i> , Karsten.
6. Coruba o palma de vino	<i>Attalea speciosa</i> , Mart.
7. Corozo	<i>Acrocomia sclerocarpa</i> , Mart.
8. Corozo colorado	<i>Alaëis melanococca</i> , Gaerth.
9. Corocillo	<i>Bactris corocilla</i> , Karsten.
10. Corocito	<i>Cocos orinocensis</i> , Spruece.
11. Seje	<i>Oenocarpus Bataua</i> , Mart.
12. Yagua	<i>Attalea Humboldtiana</i> , Spruece.
13. Yagua	<i>Attalea humilis</i> , Mart.
14. Copaiba	<i>Copaifera officinalis</i> , Jacq.
15. Copaiba	<i>Copaifera langsdorffi</i> , Desf.
16. Zapatero o narajillo	<i>Casearia praecox</i> , Griseb.
17. Yema de huevo	<i>Aspidosperma Vargasii</i> , A.D.C.
18. Palma bendita	<i>Ceroxylon Klopstockia</i> , Mart.
19. Orquídeas	Todas las variedades.
20. Helechos arborecentes	Todas las variedades.

List of Plant and Animal Species Which Are To Be Included for the United States of Venezuela in the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere—Continued

Animal Species

1. Venado	<i>Cervus rufus.</i>
2. Venado	<i>Mazama</i> sp.
3. Venado	<i>Odocoileus</i> sp.
4. Guácharo	<i>Steatornis caripensis</i> , Humb.
5. Garza blanca	<i>Ardea segretta.</i>
6. Garza blanca	<i>Ardea candidissima.</i>
7. Cóndor o Aguilucho de los Andes	<i>Sarcorhamphus gryphus</i> , (L)
8. Gaviota	<i>Procellaria puffinus.</i>
9. Gaviota plateada	<i>Larus argentatus.</i>
10. Gaviota afín	<i>Larus affinis.</i>
11. Gaviota común	<i>Larus cirrhocephalus.</i>
12. Gaviota obscura	<i>Larus fuscus.</i>
13. Gaviota boba	<i>Larus atricilla.</i>
14. Martín Pescador	<i>Magaceryle alcyon.</i>
15. Flamenco o Pájaro Soldado	<i>Phaenicopterus ruber.</i>
16. Zamuro	<i>Coragyps atratus foetens.</i>
17. Zamuro	<i>Perenoptere uruba.</i>
18. Oripopo	<i>Cathartes aura ruficollis.</i>
19. Caricare	<i>Polyborus cheriway cheriway.</i>
20. Tortuga fluvial	<i>Podocnemis expansa.</i>
21. Sapos y ranas	<i>Hylas spp.</i>

Haiti³

Provisional List of Species of Haitian Fauna Deserving of Protection

1. Agouti, *Solenodon paradoxus*
2. Aigrettes, *Casmerodicus albus*; *Egretta thula thula*; *Dichromanassa rufescens*
3. Ara rouge, *Ara tricolor*
4. Caleçon rouge, *Temnogrogon roseigaster*
5. Chat huant, *Nyctibius griseus abbotti*
6. Crapaud, *Bufo marinus*
7. Flamand rose, *Phoenicopterus ruber*
8. Ibis, *Mycteria americana*
9. " blanc, *Guava alba*
10. Iguanes, *Cyclura cornuta* et *C. cordii*
11. Mabouyas, *Ameiva* spp., *Mabuya* spp.
12. Musicien solitaire, *Myadestes genibarbus montanus*
13. Spatule rose, *Ajaia ajaja*

Provisional List of Species of Haitian Flora Deserving of Protection

1. Bois d'ébène, *Rochefortia acanthophora*
2. Gros Mahaut, *Thespesia populnea*
3. Latanier Zombi, *Coccothrinax anomala* ou *Zombia antillarum* Bailey
4. Mancenillier, *Hippomane mancenilla*; *Metopium toxiferum*
5. Palmier, *Coccothrinax ekmanii*
6. Petit coco, *Attalea crassipatha*

³ The lists of species for the Republic of Haiti were transmitted to the Pan American Union without a covering letter.

INTER-AMERICAN INDIAN INSTITUTE

*Convention opened for signature at México November 1, 1940, and
signed for the United States November 29, 1940*

Senate advice and consent to ratification May 26, 1941

Ratified by the President of the United States June 6, 1941

Ratification of the United States deposited at México August 1, 1941

Entered in force December 13, 1941

Proclaimed by the President of the United States February 12, 1942

56 Stat. 1303; Treaty Series 978

CONVENTION PROVIDING FOR CREATION OF THE INTER-AMERICAN INDIAN INSTITUTE

The Governments of the American Republics, inspired by the desire to create efficient instruments for collaboration in the solution of their common problems, and recognizing the fact that the Indian problem is a question of interest to all America; that it is desirable clearly to state and solve said problem; that in many of the American nations it offers similar and comparable aspects; the Governments of said republics further recognize the fact that it is highly desirable to clarify, stimulate and coordinate the Indian policies of the various nations, said policies being construed as the aggregation of desiderata, standards and measures that should be applied for integral improvement of the living standards of the Indian groups of the Americas; and whereas establishment of an Inter-American Indian Institute was recommended for study, by the Eighth International Conference of the American Nations, assembled at Lima in 1938, in the following resolution: *That the Continental Conference on Indian Life study the advisability of establishing an Inter-American Indian Institute and, if the occasion arises, set forth the basis for its organization and take the necessary steps for its immediate installation and organization*; and whereas the First Inter-American Indian Conference that was held at Patzcuaro in April 1940, passed a resolution creating the Inter-American Indian Institute and recommended the conclusion of a Convention to that end:

Now therefore, the Governments of the American Republics have decided to conclude the present Convention, which will be signed in the manner provided by article XVI, in order to give form to said recommendations and purposes, and have agreed to the following:

The contracting Governments hereby agree to elucidate the problems affecting the Indian groups within their respective jurisdictions, and to cooperate with one another, on a basis of mutual respect for the inherent rights of each to exercise absolute liberty in solving the "Indian Problem" in America, by means of periodical meetings, by means of an Inter-American Indian Institute and of National Indian Institutes, whose organization and function-

ing shall be governed by this Convention in accordance with the following articles:

ARTICLE I

Organizations

The Contracting States shall seek to achieve performance of the aims and purposes set out in the preamble hereof, by means of the following organizations:

1. An Inter-American Indian Conference.
2. An Inter-American Indian Institute, managed by a Governing Board.
3. National Indian Institutes.

In its own right, every State may be represented at the Conference and on the Governing Board of the Institute.

ARTICLE II

Inter-American Indian Conference

1. The General Conference shall be held at intervals not exceeding four years. The seat of the Conference and the date at which each Congress is to meet shall be determined by the preceding Conference. However, the date scheduled for a meeting may be advanced or postponed by the Organizing Government, at the request of five or more of the participating governments.

2. The government of the nation constituting the seat of the Conference, hereinafter referred to as the "Organizing Government", shall fix the place and final date of the meeting; said Government shall likewise extend invitations to the Conference through the proper diplomatic channels at least six months in advance, sending therewith the respective Agenda.

3. The Conference shall be composed of delegates appointed by the member governments and by a representative of the Pan American Union. An effort shall be made to include members of the National Institutes and Indian members among the staff of the delegations. Each member State shall have one vote.

4. Persons of recognized interest in Indian Affairs may also attend as observers, provided they are invited by the Organizing Government and authorized by their respective governments. Such persons shall not be entitled either to speak or to vote at plenary sessions and shall only be entitled to express their opinions through the official delegations of their respective countries, but may participate in discussion at technical committee sessions.

5. The expenses of organizing and carrying out the Conference shall be paid by the Organizing Government.

ARTICLE III

Inter-American Indian Institute

1. The first seat of the Institute shall be the capital of any American

State chosen by the Governing Board of the Institute. The Government of the nation accepting establishment of the Institute shall furnish premises suitable for the functioning and activities of the Institute.

2. The Office of the Inter-American Indian Institute is temporarily placed under the auspices of the Government of Mexico, with headquarters in the City of Mexico.

ARTICLE IV

Functions of the Institute

The Institute shall have the following duties and obligations, except that it shall not have functions of a political character.

1. It shall act as a Standing Committee for the Inter-American Indian Conferences, and shall be the custodian of the reports, papers and archives thereof. It shall cooperate in the execution and contribute towards the fulfilment of the resolutions adopted by Inter-American Indian Conferences, as well as those arising from this Convention, within the sphere of its duties. It shall further cooperate with the Organizing Government in the preparation and holding of the Indian Conference.

2. It shall solicit, collect, arrange and distribute reports on the following:

- a) Scientific investigations in regard to Indian problems;
- b) Legislation, jurisprudence and administration of Indian communities;
- c) Activities of any institutions interested in such groups;
- d) Material of all kinds utilizable by the Governments as a basis for development of policies looking to economic and social improvement of living standards among Indian communities;
- e) Recommendations made by the Indians themselves in regard to any matters of concern to their people.

3. It shall initiate, direct and coordinate any scientific investigations and inquiries immediately applicable to the solution of Indian problems; or such investigations and inquiries as may, even though not immediately applicable, contribute to better knowledge of Indian life.

4. Publish periodically any magazines or such other material as it may from time to time think fit, and carry on publicity work by means of films, phonograph records and other adequate means.

5. Manage the funds provided by the American nations and accept any other contributions of whatever nature they may be, from public or private sources including personal services.

6. Cooperate in an advisory capacity with the Bureaus of Indian Affairs of the American Nations.

7. Cooperate with the Pan American Union and seek its cooperation for the realization of these aims common to both.

8. Create and authorize the establishment of advisory technical commit-

tees, in agreement with the respective Governments.

9. To promote, foster and coordinate the training of men and women experts devoted to the problems of the Indian.

10. To encourage the exchange of technicians, experts or advisers in matters affecting Indians.

11. Discharge such other functions as may be allotted to it by Inter-American Indian Conferences, or by the Governing Board, in the exercise of the powers conferred upon the latter by this Convention.

ARTICLE V

Maintenance and resources of the Institute

1. The patrimony and the resources of the Inter-American Indian Institute for its maintenance shall consist of the annual quotas paid by the member countries; as well as of funds and contributions of any kind that the Institute may receive from American persons or institutions and of funds derived from its publications.

2. The annual budget of the Institute is fixed at \$30,600 (U.S. Currency). This budget is divided into 102 units of 300 dollars each. The annual quota of each contributor is determined by assigning to each a certain number of units, according to the total population, as indicated in the attached table, but to no country having an Indian population of less than 50,000 shall there be assigned more than one unit. On the other hand, to the countries having the largest Indian population, namely, Bolivia, Ecuador, Guatemala, Mexico and Peru, there shall be assigned additional units equivalent to fifty per cent of those allotted to them on the basis of their total population, as indicated in the attached schedule. When the seat of the Institute is to be in one of these five countries, the country chosen shall be assigned a surcharge of only twenty-five per cent of the units.

a) To apply the table of quotas, the most recent official data in possession of the Inter-American Indian Institute as of July first of every year shall be taken.

b) The Governing Board of the Inter-American Indian Institute shall change the number of units to correspond to changes in the census figures. The Governing Board shall also, when it deems it necessary, change the amount of each of the 102 equal units into which the budget is divided to correspond to any change in the total amount of the budget of the Institute. The Governing Board is also authorized to modify the distribution of units among the participating nations.

c) The quota of each country shall be communicated before the 1st of August of each year to the member Governments, and should be paid by them before the 1st of July of the following year. The quota of each country corresponding to the first year shall be paid within the six months following the date of ratification of this Convention.

ARTICLE VI

Administration

The Administration of the Institute shall be entrusted to a Governing Board, an Executive Committee and a Director, in accordance with the terms set out in the following articles.

ARTICLE VII

Governing Board

1. The Governing Board shall exercise supreme control over the Inter-American Indian Institute. The Governing Board shall be composed of one representative—preferably an expert—, and by a substitute from each of the member nations.

2. When any five nations shall have ratified this Convention and shall have appointed representatives on the Governing Board, the Minister of Foreign Affairs of the Government of Mexico shall call the first meeting of said body, which shall thereupon proceed to elect its own Chairman and the Director of the Institute.

3. One year after the Governing Board has thus been organized, it shall hold a Special Meeting for the purpose of electing the permanent Executive Committee, in the manner set forth in paragraph 2, Article VIII. The members of the Executive Committee during the aforesaid one year period as well as those of the permanent Executive Committee shall be ex officio members of the Governing Board. The Director of the Institute shall serve as Secretary of the Governing Board.

4. Votes in the Governing Board and Executive Committee shall be by countries. Each country shall have a single vote.

5. Delegates representing a simple majority of the member States shall constitute a quorum at meetings of the Governing Board.

6. The Governing Board shall hold ordinary general meetings every two years and such extraordinary general meetings as may be convened by the Executive Committee, with the consent of the simple majority of the member States.

7. The Governing Board shall have the following functions and duties, in addition to those mentioned above:

a) Appoint the Director of the Institute in accordance with the conditions set forth in paragraph 1 of article IX.

b) It shall study and approve the plan for organization and operation of the Institute submitted to it by the Executive Committee.

c) It shall approve its own by-laws and regulations and those for the Committee and the Institute.

d) It shall submit to the consideration of the member Governments, through diplomatic channels, any modifications it may be desired to in-

introduce in the functions of the Institute.

e) It shall determine the general financial basis of the Institute and audit its accounts, directly or through its representative or representatives.

f) It shall promote the assembly of International Conferences of experts for the study of technical problems of common interest to member States; to this end it may request of the respective Governments that they appoint experts to represent it at said Conferences, which shall meet at such places and dates as the Governing Board may determine.

ARTICLE VIII

Executive Committee

1. The Executive Committee shall be composed of 5 regular members. They shall be citizens of different countries participating and must be preferably persons well acquainted with the "Indian Problem" or well informed in sociological matters. Each one of the five states represented in the Executive Committee shall appoint a substitute to act in the absence of the respective member.

2. Regular members shall be elected for a period of five years, and the election shall be so arranged that their number shall be renewed to the extent of two fifths on one occasion, and three fifths on the succeeding one; to this end, of the first members so elected, three shall hold office for five years and the other two for three years. Both the permanent and the alternate members can be reelected.

3. The Director of the Inter-American Indian Institute shall *ex officio* be a member of the Executive Committee, and act as the Secretary of this Committee with the right to be heard but without the right to vote.

4. The Executive Powers of the Institute are vested in the Executive Committee, under the control and direction of the Governing Board, and will, as a general rule, be exercised through the instrumentality of the Director.

5. The Executive Committee shall have the following functions and duties to perform:

a) To decide on the general plan or program for the work of the Institute.

b) To draw up the Institute's annual budget, to determine the remuneration for the staff and the terms of retirement and pensions for the latter.

c) To appoint special commissions that shall be charged with the study of any matters coming within their purview.

d) To authorize the publications of the Institute.

e) To submit an annual report to the participating States, on the progress of the work and on the revenue and expenditures of any kind of the Institute; a similar report shall be laid before every ordinary meeting of the Governing Board.

f) To call extraordinary meetings of the Governing Board, with the consent of a simple majority of the member States; to organize and hold in

agreement with the Governments or entities concerned, any meetings, conferences and international assemblies that the Governing Board may promote.

6. When the Governing Board is integrated as set forth by this Convention, the provisional Executive Committee appointed by the Patzcuaro Inter-American Conference on Indian Life shall submit to it a report and it shall continue in office for a period of one year, as established by Article VII, paragraph 3, but subject to the provisions of this Convention. The Standing Committee of the aforementioned Conference shall cease to exist when the Governing Board is integrated and the functions thereof shall be vested in the Executive Committee.

ARTICLE IX

The Director

1. The Director of the Institute must be a person admittedly competent in Indian Affairs and possess a comparative knowledge of Indian problems in the various American States. He shall retain office for 6 years. He shall be the Head of the Institute, and shall answer to the Executive Committee for its satisfactory progress and operation.

2. The Director shall decide upon the plans, work and activities of the Institute, within the general program marked out by the Executive Committee and the By-Laws referred to in Article VII, paragraph 7, section (c), and besides, the following powers and duties shall be vested in him:

a) He shall, with the approval of the Executive Committee, appoint the personnel of the Institute. He shall endeavor, in so far as possible, applicants being equally competent, to distribute positions among nationals of the various member States.

b) To manage the funds and property of the Institute and to administer the budget, provided that any special expenditures in excess of 150 dollars, United States currency, be submitted to the Chairman of the Executive Committee for prior approval, and those exceeding 300 dollars be submitted to the Executive Committee.

3. The Director of the Institute may communicate directly with any Governments and public or private institutions, in the name of the Institute, for the execution of any orders issued by the Executive Committee and by the Governing Board.

4. The Director shall attend, as a Consultant, the meetings of the Governing Board, of the committees appointed by the same and of the Inter-American Indian Conferences, for the purpose of furnishing the information that may be necessary. The expenses thereof shall be borne by the Institute.

ARTICLE X

National Indian Institutes

1. The nations subscribing to this Convention shall, on such date as they

may deem advisable, and within their respective jurisdictions, organize National Indian Institutes.¹ The functions of said Institutes shall, by and large, consist in stimulating interest in and furnishing information about Indian matters to any persons and to public and private institutions. Such National Institutes shall further carry out any studies on these questions that may be of particular interest to the Nation concerned.

2. National Indian Institutes shall be affiliated to the Inter-American Indian Institute, to which they shall submit an annual report.

3. The financing, organization and regulations of said National Indian Institutes shall be matters falling exclusively within the purview of the respective Governments.

ARTICLE XI

Languages

The official languages shall be English, Spanish, Portuguese and French. The Executive Committee shall authorize special translations into these and into American Indian languages when it may deem fit.

ARTICLE XII

Documents

Governments participating shall send to the Inter-American Indian Institute two copies of any official documents and publications in any way connected with the functions and aims of the Institute, to the extent allowed by the domestic legislation and practices of each country.

ARTICLE XIII

Mail and postal privileges

The High Contracting Parties agree to extend to the Inter-American Indian Institute forthwith, the domestic and international postal privilege established by the Postal Union of the Americas concluded in the city of Panama on December 22, 1936,² and to ask the members of the Union who have not subscribed to the present Convention to grant to it the same privilege.

ARTICLE XIV

Special studies

The expense of any studies or investigations especially agreed upon by one or two of the participating nations shall be borne by the countries involved.

ARTICLE XV

Each of the High Contracting Parties recognizes the legal entity of the Inter-American Indian Institute.

¹ A National Indian Institute for the United States was established in the Department of the Interior by Executive Order 8930 dated Nov. 1, 1941.

² *Ante*, p. 302.

ARTICLE XVI

Signature and ratification

1. The Government of the United States of Mexico shall send to the American Nations a copy of the present Convention, so that they may, if it meets with their approval, express their adherence thereto. To this end any Governments so adhering shall furnish their respective diplomatic or special representatives with the necessary powers to sign the Convention. As and when the Convention is signed by each of the States, they will submit said Convention to necessary ratification.

2. The original of the present Convention in English, Spanish, Portuguese and French, shall be deposited with the Ministry of Foreign Affairs of the Government of Mexico and shall be open to signature by the American Governments from November 1, to December 31, 1940. The American Governments that after the 31st of December 1940, shall wish to subscribe to the present Convention shall make notification thereof to the Minister of Foreign Relations of the Government of Mexico.

3. The instruments of ratification shall be deposited with the Ministry for Foreign Affairs of the Government of Mexico, which shall inform all the American Governments of the deposit of each ratification and the date thereof, forwarding to them the text of any declaration or reservation which may accompany them.

4. Any ratification which may be received after the present Convention becomes effective shall have effect one month from the date of the deposit of such ratification.

ARTICLE XVII

Denunciation

1. Any of the Participating Governments may denounce the present Convention at any time by notifying the Government of Mexico in writing to that effect. Such denunciations shall have effect, including the matter of quotas, one year after the receipt of the respective notification by the Government of Mexico.

2. If, as a result of simultaneous or subsequent denunciations, the number of Contracting Governments should be reduced to three, the Convention shall cease to be effective as of the date on which, in accordance with the preceding paragraph, the last of said denunciations becomes effective.

3. The Government of the United Mexican States shall inform all the American Governments of such denunciations and of the dates on which they become effective.

4. If the Convention should cease to be effective according to the terms of paragraph two of the present article, the Government of the United Mexican States shall notify all the American Governments of the date on which it ceases to be effective.

In witness whereof, the undersigned Plenipotentiaries, after having deposited their full powers found to be in due and proper form, sign this Convention on behalf of their respective governments, and affix thereto their seals, at Mexico, D.F., on the dates appearing opposite their signatures.

Costa Rica:
CARLOS MANUEL ESCALANTE
November 29, 1940

Cuba:
JOSÉ MANUEL CARBONELL
November 29, 1940

Ecuador:
CÉSAR COLOMA SILVA
November 29, 1940

El Salvador:
HÉCTOR ESCOBAR SERRANO
November 29, 1940

United States:
JOSEPHUS DANIELS
November 29, 1940

Honduras:
EDGARDO VALENZUELA
November 29, 1940

Mexico:
EDUARDO HAY
November 29, 1940

Peru:
LUIS FERNÁN CISNEROS
November 29, 1940

[The convention was signed for Bolivia on December 18, 1940.]

ANNEX

Population	Units	Additional Units	Total Units	Budget in Dollars
<i>Less than 1 million:</i>				
Costa Rica	1	—	1	300
Panama	1	—	1	300
<i>1 to 4 millions:</i>				
Bolivia	2	1	3	900
Dominican Republic	2	—	2	600
Ecuador	2	1	3	900
Guatemala	2	1	3	900
Haiti	1	—	1	300
Honduras	2	—	2	600
Nicaragua	2	—	2	600
Paraguay	1	—	1	300
Salvador	1	—	1	300
Uruguay	1	—	1	300
Venezuela	2	—	2	600
<i>4 to 8 millions:</i>				
Chile	4	—	4	1,200
Cuba	1	—	1	300
Peru	4	2	6	1,800
<i>8 to 16 millions:</i>				
Argentina	8	—	8	2,400
Colombia	8	—	8	2,400
<i>More than 16 millions:</i>				
Brazil	16	—	16	4,800
Mexico (1)	16	4 (1)	20	6,000
United States	16	—	16	4,800
	93	9	102	30,600 Dls.

(1) Provisional seat of the Institute.

COFFEE (INTER-AMERICAN)

Agreement signed at Washington November 28, 1940; protocol signed at Washington April 15, 1941

Senate advice and consent to ratification of the agreement February 3, 1941

Agreement ratified by the President of the United States February 12, 1941

Ratification of the United States deposited with the Pan American Union April 14, 1941

*Agreement and protocol proclaimed by the President of the United States April 15, 1941*¹

*Entered into force April 16, 1941, for governments which had deposited ratifications or approvals; definitively December 31, 1941*²

Continued in force by declarations of May 12, 1943,³ and July 25, 1944,³ of the Inter-American Coffee Board; modified and extended by protocols of October 1, 1945,⁴ October 1, 1946,⁵ and October 1, 1947⁶

Expired September 30, 1948

55 Stat. 1143; Treaty Series 970

INTER-AMERICAN COFFEE AGREEMENT

The Governments of Brazil, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, the United States of America and Venezuela,

¹ The President's proclamation quotes, as follows, Section 1 of a joint resolution of the Congress approved Apr. 11, 1941, "To carry out the obligations of the United States under the Inter-American Coffee Agreement, signed at Washington on November 28, 1940, and for other purposes" (55 Stat. 133):

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the entry into force of the Inter-American Coffee Agreement, as proclaimed by the President, and during the continuation in force of the obligations of the United States thereunder, no coffee imported from any foreign country may be entered for consumption except as provided in the said agreement."

² For a supplementary proclamation by the President of the United States on Feb. 27, 1942 (TS 979), proclaiming the definitive entry into force of the agreement, see 56 Stat. 1345.

³ See footnote 7, p. 679.

⁴ TIAS 1513, *post*, p. 1283.

⁵ TIAS 1605, *post*, vol. 4.

⁶ TIAS 1768, *post*, vol. 4.

CONSIDERING

that in view of the unbalanced situation in the international trade in coffee affecting the economy of the Western Hemisphere, it is necessary and desirable to take steps to promote the orderly marketing of coffee, with a view to assuring terms of trade equitable for both producers and consumers by adjusting the supply to demand,

Have accordingly agreed as follows:

ARTICLE I

In order to allocate equitably the market of the United States of America for coffee among the various coffee producing countries, the following quotas are adopted as basic annual quotas for the exportation of coffee to the United States of America from the other countries participating in this agreement:

<i>Producing Country</i>	<i>Bags of 60 Kilograms Net, or Equivalent Quantities</i>
Brazil.....	9,300,000
Colombia.....	3,150,000
Costa Rica.....	200,000
Cuba.....	80,000
Dominican Republic.....	120,000
Ecuador.....	150,000
El Salvador.....	600,000
Guatemala.....	535,000
Haiti.....	275,000
Honduras.....	20,000
Mexico.....	475,000
Nicaragua.....	195,000
Peru.....	25,000
Venezuela.....	420,000
TOTAL.....	15,545,000

For the control of the quotas for the United States market, the official import statistics compiled by the United States Department of Commerce shall be used.

ARTICLE II

The following quotas have been adopted as basic annual quotas for the exportation of coffee to the market outside the United States from the other countries participating in this Agreement:

<i>Producing Country</i>	<i>Bags of 60 Kilograms Net, or Equivalent Quantities</i>
Brazil.....	7,813,000
Colombia.....	1,079,000
Costa Rica.....	242,000
Cuba.....	62,000
Dominican Republic.....	138,000
Ecuador.....	89,000
El Salvador.....	527,000
Guatemala.....	312,000

<i>Producing Country</i>	<i>Bags of 60 Kilograms Net, or Equivalent Quantities</i>
Haiti.....	327,000
Honduras.....	21,000
Mexico.....	239,000
Nicaragua.....	114,000
Peru.....	43,000
Venezuela.....	606,000
TOTAL.....	11,612,000

ARTICLE III

The Inter-American Coffee Board provided for in Article IX of this Agreement shall have the authority to increase or decrease the quotas for the United States market in order to adjust supplies to estimated requirements. No such increase or decrease shall be made oftener than once every six months nor shall any change at any one time exceed 5 percent of the basic quotas specified in Article I. The total increase or decrease in the first quota year shall not exceed 5 percent of such basic quotas. Any increase or decrease in the quotas shall remain in effect until superseded by a new change in quotas, and the quotas for any quota year shall be calculated by applying to the basic quotas the weighted average of the changes made by the Board during the same year. Except as provided in Articles IV, V and VII, the percentage of each of the participating countries in the total quantity of coffee which these countries may export to the United States market shall be maintained unchanged.

The Board shall also have the authority to increase or decrease the export quotas for the market outside the United States to the extent that it deems necessary to adjust supplies to estimated requirements, maintaining unchanged the percentage of each of the participating countries in the total quantity of coffee to be exported to that market, except as provided in Articles IV, V and VII. Nevertheless, the Board shall not have the authority to distribute these quotas among determined countries or regions of the market outside the United States.

ARTICLE IV

Each producing country participating in this Agreement undertakes to limit its coffee exports to the United States of America during each quota year, to its respective export quota.

In the event that, due to unforeseen circumstances, a country's total exports of coffee to the United States of America exceed in any quota year its export quota for the United States market, that quota for the following year shall be decreased by the amount of the excess.

If any producing country participating in this Agreement has exported in any quota year less than its quota for the United States market, the Board

may increase that country's quota for the immediately following quota year by an amount equal to the deficiency for the preceding quota year, up to the limit of 10 percent of the quota for such previous year.

The provisions of this Article shall also apply to the export quotas for the market outside the United States.

Any exportation of coffee to the market outside the United States which may be lost by fire, inundation or any other accident, before arriving at any foreign port, shall not be charged against the quota of the respective country corresponding to the date of shipment, provided that the loss is duly established before the Inter-American Coffee Board.

ARTICLE V

In view of the possibility of changes in the demand for coffee of a particular origin in the market outside the United States, the Board is empowered, by a two-thirds vote, to transfer, on the request of any participating country, a part of that country's quota for the United States market to its quota for the market outside the United States in order to bring about a better balance between supply and demand in special types of coffee. In such cases, the Board is authorized to make up the resulting deficiency in the total quota for the United States market by increasing the quotas of the other producing countries participating in this Agreement in proportion to their basic quotas.

ARTICLE VI

Each producing country participating in this Agreement shall take all measures necessary on its part for the execution and operation of this Agreement and shall issue for each coffee shipment an official document certifying that the shipment is within the corresponding quota fixed in accordance with the provisions of this Agreement.

ARTICLE VII

The Government of the United States of America shall take all measures necessary on its part for the execution and operation of this Agreement and shall limit, during each quota year, the entry for consumption into the United States of America of coffee produced in the countries listed in Article I to the quotas as established in the said Article or as modified pursuant to other provisions of this Agreement, it being understood that notice of any modified quotas will be communicated by the Board to the Governments of the countries participating in this Agreement.

The Government of the United States of America also undertakes to limit the total entry for consumption of coffee produced in countries other than those listed in Article I of this Agreement to a basic annual quota of 355,000 bags of 60 kilograms net or equivalent quantities. The quota on such coffee shall be increased or decreased by the same proportion and at the same time

as the global quota of the participating countries for the United States market.

In the event that due to unforeseen circumstances any quota is exceeded during any quota year, that quota for the following year shall be decreased by the amount of the excess.

ARTICLE VIII

In the event that there should be foreseen an imminent shortage of coffee in the United States market in relation to its requirements, the Inter-American Coffee Board shall have the authority, as an emergency measure, to increase the quotas for the United States market, in proportion to the basic quotas, up to the quantity necessary to satisfy these requirements even though in this manner the limits specified in Article III may be exceeded. Any member of the Board may request such an increase and the increase may be authorized by a one-third vote of the Board.

When, owing to special circumstances, it may be necessary for the purposes of the present Agreement to reduce the quotas for the United States market by a percentage greater than that established in Article III, the Inter-American Coffee Board shall also have the authority to exceed the percentage of reduction beyond the limits established by the said Article III, provided that this is approved by the unanimous vote of the Board.

ARTICLE IX

The present Agreement shall be under the administration of a Board, which shall be known as the "Inter-American Coffee Board", and which shall be composed of delegates representing the Governments of the participating countries.

Each Government shall appoint a delegate to the Board upon approval of the Agreement. In the absence of the delegate of any participating country, his Government shall appoint an alternate who shall act in place of the delegate. Subsequent appointments shall be communicated by the respective Governments to the Chairman of the Board.

The Board shall elect from among its members a Chairman and a Vice Chairman who shall hold office for such period as it may determine.

The seat of the Board shall be in Washington, D.C.

ARTICLE X

The Board shall have the following powers and duties in addition to those specifically set forth in other Articles of this Agreement:

- (a) The general administration of the present Agreement;
- (b) To appoint any employees that it may consider necessary and determine their powers, duties, compensation and duration of employment;
- (c) To appoint an Executive Committee and such other permanent or temporary committees as it considers advisable, and to determine their functions and duties;

(d) To approve an annual budget of expenses and fix the amount to be contributed by each participating Government, in accordance with the principles laid down in Article XIII;

(e) To seek such information as it may deem necessary to the proper operation and administration of this Agreement; and to publish such information as it may consider desirable;

(f) To make an annual report covering all of its activities and any other matters of interest in connection with this Agreement at the end of each quota year. This report shall be transmitted to each of the participating Governments.

ARTICLE XI

The Board shall undertake, as soon as possible, a study of the problem of coffee surpluses in the producing countries participating in this Agreement, and shall also take appropriate steps with a view to working out satisfactory methods of financing the storage of such surpluses in cases where such action is urgently needed to stabilize the coffee industry. Upon request, the Board shall assist and advise any participating Government which may desire to negotiate loans in connection with the operation of this Agreement. The Board is also authorized to render assistance in matters relating to the classification, storage and handling of coffee.

ARTICLE XII

The Board shall appoint a Secretary and take all other necessary measures to establish a Secretariat which shall be entirely free and independent of any other national or international organization or institution.

ARTICLE XIII

The expenses of delegates to the Board shall be defrayed by their respective Governments. All other expenses necessary for the administration of the present Agreement, including those of the Secretariat, shall be met by annual contributions of the Governments of the participating countries. The total amount, manner and time of payment shall be determined by the Board by a majority of not less than two thirds of the votes. The contribution of each Government shall be proportionate to the total of its respective basic quotas, except that the Government of the United States of America will accept as its contribution an amount equal to $33\frac{1}{3}$ percent of the total required contribution.

ARTICLE XIV

Regular meetings of the Board shall be held on the first Tuesday of January, April, July and October. Special meetings shall be called by the Chairman at any other time at his discretion, or upon written request of delegates representing not less than five of the participating Governments, or fifteen

percent of the quotas specified in Article I, or one third of the votes established in Article XV. Notice of all special meetings shall be communicated to the delegates not less than three days before the date fixed for the meeting.

The presence of delegates representing not less than 75 percent of the total votes of all the participating Governments shall be necessary to constitute a quorum for a meeting. Any participating Government may, through its delegate, by written notice to the Chairman, appoint the delegate of another participating Government to represent it and to vote on its behalf at any meeting of the Board.

Except as otherwise provided in this Agreement, decisions of the Board shall be taken by a simple majority of the votes, it being understood that, in every case, the computation shall be calculated on the basis of the total votes of all the participating Governments.

ARTICLE XV

The votes to be exercised by the delegates of the participating Governments shall be as follows:

Brazil.....	9
Colombia.....	3
Costa Rica.....	1
Cuba.....	1
Dominican Republic.....	1
Ecuador.....	1
El Salvador.....	1
Guatemala.....	1
Haiti.....	1
Honduras.....	1
Mexico.....	1
Nicaragua.....	1
Peru.....	1
United States of America.....	12
Venezuela.....	1
TOTAL.....	36

ARTICLE XVI

The official reports of the Board to the participating Governments shall be written in the four official languages of the Pan American Union.

ARTICLE XVII

The participating Governments agree to maintain, in so far as possible, the normal and usual operation of the coffee trade.

ARTICLE XVIII

The Board is authorized to appoint advisory committees in the important markets, to the end that consumers, importers and distributors of green and roasted coffee, as well as other interested persons, may be given an opportunity to express their views concerning the operation of the program established under this Agreement.

ARTICLE XIX

If the delegate of any participating Government alleges that any participating Government has failed to comply with the obligations of the present Agreement, the Board shall decide whether any infringement of the Agreement has taken place, and, if so, what measures shall be recommended to correct the situation arising therefrom.

ARTICLE XX

The present Agreement shall be deposited with the Pan American Union at Washington, which shall transmit authentic certified copies thereof to the signatory Governments.

The Agreement shall be ratified or approved by each of the signatory Governments in accordance with its legal requirements and shall come into force when the instruments of ratification or approval of all the signatory Governments have been deposited with the Pan American Union. As soon as possible after the deposit of any ratification the Pan American Union shall inform each of the signatory Governments thereof.

If, within ninety days from the date of signature of this Agreement, the instruments of ratification or approval of all the signatory Governments have not been deposited, the Governments which have deposited their instruments of ratification or approval may put the Agreement into force among themselves by means of a Protocol. Such Protocol shall be deposited with the Pan American Union, which shall furnish certified copies thereof to each of the Governments on behalf of which the Protocol or the present Agreement was signed.

ARTICLE XXI

As long as the present Agreement remains in force, it shall prevail over provisions inconsistent therewith which may be contained in any other agreement previously concluded between any of the participating Governments. Upon the termination of the present Agreement, all the provisions which may have been temporarily suspended by virtue of this Agreement shall automatically again become operative unless they have been definitively terminated for other reasons.

ARTICLE XXII

The present Agreement shall apply, on the part of the United States of America, to the customs territory of the United States. Exports to the United States of America and quotas for the United States market shall be understood to refer to the customs territory of the United States.

ARTICLE XXIII

For the purpose of this Agreement the following definitions are adopted:

(1) "Quota year" means the period of twelve months beginning October 1, and ending September 30 of the following calendar year.

(2) "Producing countries participating in this Agreement" means all participating countries except the United States of America.

(3) "The Board" means the Inter-American Coffee Board provided for in Article IX.

ARTICLE XXIV

Subject to the eventuality covered by Article XXV, the present Agreement shall remain in force until October 1, 1943.

Not less than one year prior to October 1, 1943 the Board shall make recommendations to the participating Governments as to the continuation or otherwise of the Agreement. The recommendations, if in favor of continuation, may suggest amendments to the Agreement.

Each participating Government shall signify to the Board its acceptance or rejection of the recommendations referred to in the immediately preceding paragraph within six months after the date of the receipt of such recommendations. This period may be extended by the Board.

If said recommendations are accepted by all the participating Governments, the participating Governments undertake to take such measures as may be necessary to carry out said recommendations. The Board shall draw up a declaration certifying the terms of said recommendations and their acceptance by all the participating Governments, and the present Agreement shall be deemed to be amended in accordance with this declaration as from the date specified therein. A certified copy of the declaration together with a certified copy of the Agreement as amended shall be communicated to the Pan American Union and to each of the participating Governments.⁷

The same procedure for making amendments or for the continuation of the Agreement may be followed at any other time.

ARTICLE XXV

Any of the participating Governments may withdraw from the present Agreement after prior notification of one year to the Pan American Union which shall promptly inform the Board. If one or more participating Governments representing 20 percent or more of the total quotas specified in Article I of this Agreement withdraw therefrom, the Agreement will thereupon terminate.

ARTICLE XXVI

In the event that because of special and extraordinary circumstances the Board should believe that the period fixed by Article XXIV for the duration of this Agreement might be reduced, it shall immediately notify all the participating Governments which, by unanimous agreement, may decide to terminate this Agreement prior to October 1, 1943.

⁷ Declarations continuing the agreement in force without change for one year from Oct. 1, 1943, and Oct. 1, 1944, were adopted by the Inter-American Coffee Board on May 12, 1943, and July 25, 1944.

TRANSITORY ARTICLE

All coffee entered for consumption into the United States of America between October 1, 1940 and September 30, 1941, both inclusive, shall be charged against the quotas for the first quota year.

All coffee exported to the market outside the United States between October 1, 1940 and September 30, 1941, both inclusive, shall be charged against the quotas for the first quota year.

Done at the City of Washington, in English, Spanish, Portuguese and French, the twenty-eighth day of November, 1940.

For Brazil:		For Haiti:	
E. PENTEADO	[SEAL]	E. LESCOT	[SEAL]
For Colombia:		For Honduras:	
M. Mejía	[SEAL]	JULIÁN R. CÁCERES	[SEAL]
For Costa Rica:		For Mexico:	
OCTAVIO BEECHE	[SEAL]	A. ESPINOSA DE LOS	[SEAL]
For Cuba:		MONTEROS	
PEDRO MARTÍNEZ FRAGA	[SEAL]	For Nicaragua:	
For the Dominican Republic:		LEÓN DE BAYLE	[SEAL]
A. PASTORIZA	[SEAL]	For Peru:	
For Ecuador:		EDUARDO GARLAND	[SEAL]
C. E. ALFARO	[SEAL]	For The United States of America:	
For El Salvador:		SUMNER WELLES	[SEAL]
HÉCTOR DAVID CASTRO	[SEAL]	For Venezuela:	
For Guatemala:		LUIS COLL-PARDO	[SEAL]
ENRIQUE LÓPEZ HERRARTE	[SEAL]		

PROTOCOL TO THE INTER-AMERICAN COFFEE AGREEMENT

WHEREAS:

The second and third paragraphs of Article XX of the Inter-American Coffee Agreement, signed at Washington on November 28, 1940, provide that:

"The Agreement shall be ratified or approved by each of the signatory Governments in accordance with its legal requirements and shall come into force when the instruments of ratification or approval of all the signatory Governments have been deposited with the Pan American Union. As soon as possible after the deposit of any ratification the Pan American Union shall inform each of the signatory Governments thereof.

"If, within ninety days from the date of signature of this Agreement, the instruments of ratification or approval of all the signatory Governments have not been deposited, the Governments which have deposited their instruments of ratification or approval may put the Agreement into force

among themselves by means of a Protocol. Such Protocol shall be deposited with the Pan American Union, which shall furnish certified copies thereof to each of the Governments on behalf of which the Protocol or the present Agreement was signed.”;

AND WHEREAS ninety days have elapsed since the date of signature of the said Agreement without the instruments of ratification or approval of all the signatory Governments having been deposited with the Pan American Union;

The Governments of Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Mexico, Peru and the United States of America which have deposited their respective instruments of ratification or approval with the Pan American Union, being desirous of bringing the said Agreement into force among themselves, have agreed as follows:

ARTICLE I

The Parties to the present Protocol agree to proceed immediately to put into force among themselves the Inter-American Coffee Agreement, signed at Washington on November 28, 1940.

ARTICLE II

The present Protocol is operative as regards each Contracting Party on the day following the date of signature by such Party.

Pending the deposit with the Pan American Union of the instruments of ratification or approval by all the signatory Governments of the said Agreement of November 28, 1940, the present Protocol shall remain open for signature by each signatory of the Inter-American Coffee Agreement on or after the date on which it shall deposit its instrument of ratification or approval thereof.

ARTICLE III

The present Protocol, signed in one original in the English, Spanish, Portuguese and French languages, all of which texts are equally authentic, shall be deposited with the Pan American Union at Washington, which shall transmit certified copies thereof to all the signatories of the Inter-American Coffee Agreement.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed the present Protocol and have affixed their respective seals hereto.

Done at the City of Washington, this fifteenth day of April, 1941.

For Brazil:

E. PENTEADO

[SEAL]

For Costa Rica:

OCTAVIO BEECHE

[SEAL]

For Colombia:

GABRIEL TURBAY

[SEAL]

For El Salvador:

HÉCTOR DAVID CASTRO

[SEAL]

For Guatemala:

ENRIQUE LÓPEZ HERRARTE [SEAL]

For Haiti:

For Honduras:

JULIÁN R. CÁCERES [SEAL]

For Mexico:

F. CASTILLO NÁJERA [SEAL]

For Peru:

EDUARDO GARLAND [SEAL]

For the United States of America:

SUMNER WELLES [SEAL]

[The protocol was signed for Haiti on Apr. 17, 1941 (effective Apr. 15, 1941); it was signed for Ecuador on Apr. 29, 1941, for the Dominican Republic on Apr. 30, 1941, for Nicaragua on May 13, 1941, for Venezuela on Aug. 14, 1941, and for Cuba on Dec. 31, 1941.]

TELECOMMUNICATION: NORTH AMERICAN REGIONAL BROADCASTING

*Arrangement recommended by North American Regional Radio-
Engineering Conference and signed at Washington January 30,
1941, to supplement agreement of December 13, 1937*

Entered into force March 29, 1941

*Expired March 29, 1949, upon expiration of agreement of December 13,
1937*

55 Stat. 1398; Executive Agreement Series 227

RECOMMENDATIONS

1. The representatives of the Governments of Canada, Cuba, the Dominican Republic, Haiti, Mexico, and the United States of America, having met in Washington, D. C., United States of America, in an Engineering Conference from January 14 to 30, 1941, for the purpose of resolving, so far as possible, all conflicts arising as a result of the listings of standard broadcast stations by these Governments communicated to the interested Governments pursuant to the provisions of Part III, Section 1, Paragraph d of the North American Regional Broadcasting Agreement (Habana, 1937),¹ having given appropriate recognition to the sovereign rights of all countries parties to the Agreement to the use of every channel in the standard broadcast band as provided for in Part I, Section 4, of the Agreement, and having reconciled, in their technical aspects, the conflicts which have arisen as a result of the aforementioned listings, recommend that the appropriate radio administrations of these Governments take such action as may be necessary to accomplish the following:

(a) To make effective prior to March 29, 1941, such licenses, permits or authorizations as may be necessary under the laws, regulations or practices of the respective countries to place in effect the listings of broadcast stations as set forth in the appendices hereto; ²

(b) To adopt immediately adequate measures so that the crystals and

¹ TS 962, *ante*, p. 503.

² For text of appendixes, which show assignments of broadcasting stations listed by frequencies, see 55 Stat. 1407, or p. 11 of EAS 227.

associated frequency control apparatus as well as circuit tuning elements necessary for the proper operation of the stations in accordance with the listings included in the appendices hereto shall be installed prior to March 29, 1941;

(c) To place in effect at 0800 Greenwich Mean Time (3 a. m., E. S. T.) March 29, 1941, the actual operation of broadcast stations on frequencies and at locations in accordance with the listings set forth in the appendices hereto. When a directional antenna as required has not been installed, the operating power will be restricted to a value which will not cause any objectionable interference to stations of other countries. Each administration will take the necessary measures to prevent the operation of any station not conforming with these requirements and the listings included in the appendices hereto;

(d) To make adequate arrangements immediately in the manner provided for in Paragraph (a) for the erection and operation of the necessary antenna system or other special construction required by the listings of the broadcast stations as set forth in the appendices hereto;

(e) To refrain from making any new station assignments or changes in existing assignments as to location, power, frequency, or hours of operation, effective prior to March 29, 1941, which are not specifically for the purpose of complying with the listings of broadcast stations as set forth in the appendices hereto. This, however, does not preclude notification of additional assignments to be made effective after March 29, 1941.

2. In case the operation of any station in accordance with the listings of broadcast stations as set forth in the appendices hereto may, as a result of actual measurements, be found to cause objectionable interference in excess of the amount computed in accordance with the standards set forth in the Agreement, negotiations may be instituted to reduce the interference in accordance with the appropriate technical principles thereof.

3. The radio administrations shall communicate to each other as soon as possible through the medium of the Inter-American Radio Office (O.I.R.) complete description of the directional antennas required by the listings as set forth in the appendices hereto.

4. The original of these Recommendations and their Appendices shall be deposited in the Ministry of State of the Republic of Cuba at Habana with the original of the North American Regional Broadcasting Agreement (Habana, 1937) to which it is supplemental, and certified copies of these Recommendations shall be transmitted to the Governments through their respective delegations.

5. The Governments shall communicate to each other as soon as possible by telegraph and mail through the medium of the Inter-American Radio Office (O.I.R.) their acceptance of these recommendations. In the absence of any notification to the Inter-American Radio Office (O.I.R.) prior to

March 1, 1941, by any Government, it will be understood that the listings of broadcast stations set forth in the appendices hereto, together with all other recommendations contained in this instrument, are approved and accepted by such Government.

6. Prior to March 1, 1941, no Government shall make public the listings of broadcast stations of any other Government unless the latter shall have already made its own listings public.

IN WITNESS WHEREOF, the respective representatives sign these Recommendations, in triplicate, one copy in English, one copy in Spanish and one copy in French, each of which shall be deposited in the archives of the Government of Cuba through the Department of State of the United States of America.

Done at Washington, D.C., January 30, 1941.

For Canada

J. W. L. BAIN

RONALD MACDONNELL

For Cuba

F. SUAREZ LOPETEQUI

ALFONSO HERNANDEZ CATA

G. MORALES

For the Dominican Republic

A. PASTORIZA

For Haiti

JACQUES C. ANTOINE

For Mexico

J. C. BUCANAN

S. TAYABAS

For the United States of America

THOMAS BURKE

T. A. M. CRAVEN

ATLANTIC CHARTER

*Joint declaration by the President of the United States and the Prime Minister of the United Kingdom August 14, 1941*¹

55 Stat. 1603; Executive Agreement Series 236

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

¹ Released simultaneously at Washington and London as part of a joint statement following a meeting between President Franklin D. Roosevelt and Prime Minister Winston Churchill which took place Aug. 9-12, 1941, aboard the American cruiser *Augusta* and the British battleship *Prince of Wales* at sea near Argentia, Newfoundland.

For a list of countries which signified their acceptance of the purposes and principles of the Atlantic Charter by signing the Declaration by United Nations done at Washington Jan. 1, 1942 (EAS 236), see *post*, p. 697.

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

WARTIME SUPPLIES FOR SOVIET UNION

*Moscow protocol (first protocol) signed at Moscow October 2, 1941,
with annexes*¹

Operative October 1, 1941, to June 30, 1942

*Replaced by Washington protocol (second protocol) of October 6,
1942*²

Department of State, *Soviet Supply Proto-
cols* (U.S. Government Printing Office,
1947), p. 3

FIRST PROTOCOL

THE Conference of the representatives of three powers—the U.S.A., U.S.S.R., and Great Britain which met in Moscow on September 29th 1941 and was held till October 1st 1941 has, on the basis of the statements made by the said representatives and of the investigation of submitted data, arrived at the unanimous decision concerning the provision of supplies, which will be made available at British and U.S.A. centres of production, for the Soviet Union by Great Britain and the United States of America within the period beginning from October 1941, till the end of June 1942. Great Britain and the U.S.A. will give aid to the transportation of these materials to the Soviet Union and will help with the delivery.

The list is as follows:

	Enquired for by the U.S.S.R.	Satisfied
1. Aeroplanes	400 planes monthly, of which 300 bombers of short distance action and 100 fighters	400 planes monthly of which 100 bombers and 300 fighters. From Great Britain—200 fighters monthly and from the U.S.A. 100 fighters and 100 bombers monthly
2. Tanks (gun-type)	1,100 monthly, small or medium, or both in any proportion	500 tanks monthly, of which small tanks not exceeding 50%. In addition to that, from Great Britain will be supplied per month 200 tankettes (with machine-guns), after that the number will be increased

¹ A conference of representatives of the Union of Soviet Socialist Republics, the United Kingdom, and the United States met at Moscow Sept. 29–Oct. 2, 1941.

² *Post*, p. 724.

	Enquired for by the U.S.S.R.	Satisfied
3. Anti-Aircraft Guns 37 mm. or up (45 mm, 75 mm, 90 mm.) with ammunition	300 pieces per month	152 anti-aircraft guns, 90 mm, over the period of 9 months with ammunition from the U.S.A.
4. Anti-Tank Guns 37 mm or up to 60 mm with ammunition	300 pieces per month	500 guns, 2-pdrs (about 40 mm), with 1,000 rounds per gun, within 9 months from Great Britain and 756 guns, 37 mm, before the end of 9 months from the U.S.A. Total 1,256 guns
5. Anti-Tank Rifles from 12 mm to 19 mm with ammunition	2,000 per month	14 mm—200 rifles per month, with 200 rounds per rifle. After the end of this year the number will be increased to 250 rifles per month: and from March 1942 to 300 rifles per month and after that with a greater increase of the number of rifles and rounds from Great Britain
6. Scouting Cars	2,000 cars per month and 10,000 lorries (3, 2, and 1½ tons) per month	5,000 cars in the next 9 months from U.S.A. Mr. Harriman proposes to investigate the possibility of increasing this number of scouting cars, and also to define the number of lorries to be delivered
7. Field Telephone Apparatus	With phonoinductor call 6,000 pieces per month: without feeding source 6,000 pieces monthly	The question of supplying these articles will be cleared up in Washington, while however there is already now a chance of some deliveries of them
8. Field Telephone Cable (Seven strands type)	100,000 kilometers monthly	
9. Underwater Telegraph Cable (gutta-percha)	50 kilometers per month	
10. Submarine Cable	100 kilometers per month	
11. Aluminium	4,000 tons per month (excluding 5,000 tons shipped in September) and 500 tons of Rolled Duraluminium per month	In addition to 5,000 tons already on the way, 2,000 tons per month will be supplied from Canada during 9 months Besides, Mr. Harriman will investigate the possibility of supplying from the U.S.A. 2,000 tons of Aluminium and 500 tons of rolled duraluminium per month
12. Tin	1,500 tons per month	1,500 tons per month from Great Britain
13. Lead	7,000 tons per month	7,000 tons per month from Great Britain

	Enquired for by the U.S.S.R.	Satisfied
14. Nickel	800 tons per month	The question of supplying this metal will be immediately investigated in Great Britain and in the U.S.A.
15. Molybdenum	300 tons per month	300 tons per month from the U.S.A.
16. Cobalt	10 tons per month	10 tons per month from Great Britain
17. Copper Electrolytic	3,000 tons per month	3,000 tons per month from Great Britain
18. Rolled Brass	5,000 tons per month	Part will be supplied by the U.S.A. and the balance will be taken into account with a view of finding supplies if possible
19. Magnesium Alloys	300 tons per month	The quantity of possible deliveries will be cleared up in London and Washington
20. Zinc Electrolytic	1,500 tons per month	Great Britain guarantees the supply of 1,500 tons per month, hoping that one-half of this quantity will be supplied from the U.S.A. without binding, however, the American Government
21. Bimetal	3,000 tons per month	Great Britain and U.S.A. will examine the possibility of this metal being supplied
22. Tubes and other manufactures of copper	300 tons per month	Mr. Harriman will recommend the supply of these materials
23. Ferrosilicon	7,000 tons per month	} The amounts of supplies will be examined in Great Britain and the U.S.A.
24. Ferrochrome	2,000 tons per month	
25. Armour Plate for Tanks	10,000 tons per month	1,000 tons per month from the U.S.A. The possibility of supplies being increased will be examined in Washington
26. Hard Alloys and Cutting Tools	500,000 dollars per month	The amounts of supplies will be investigated in Great Britain and in the U.S.A.
27. Silver-Steel	50 tons per month	The enquiry will be investigated; it is possible that deliveries will be effected
28. High-Speed Steel	300 tons per month	} The supply of these articles will be taken into consideration upon receipt of specifications
29. Tool Steel (carbon and alloy)	1,500 tons per month	
30. Calibrated Steel (carbon and alloy)	13,000 tons per month	

	Enquired for by the U.S.S.R.	Satisfied
31. Hot-rolled Steel (carbon and alloy)	7,000 tons per month	The question will be investigated in Great Britain and in the U.S.A.
32. Steel Billets, Chrome-Silicon-Manganese	8,000 tons per month	
33. Cold-Rolled Steel Strip	8,000 tons per month	This has been examined by the American Delegation which assumes it possible that the Soviet enquiries will be satisfied. The answer can be given only upon investigation of the matter in the U.S.A.
34. Cold-Rolled Steel Sheet	8,000 tons per month	
35. Tinplate	4,000 tons per month	80 tons are already being supplied by the U.S.A. This enquiry for 70 tons per month will be satisfied as far as possible by the U.S.A.
36. Steel-Wire, in accordance with specification	7,000 tons per month	
37. Steel-Wire-Ropes	1,200 tons per month	It is assumed that this quantity can be supplied from the U.S.A.
38. Steel Alloy tubes	300 tons per month	
39. Stainless Steel Wire	60 tons per month	1,250 tons per month will be supplied beginning November 1941 from the U.S.A. The possibility of these supplies being increased will be examined. Besides, 10,000 tons of TNT will be shipped early as possible, the monthly quantity to be advised from Washington as soon as possible
40. Nickel Chrome Wire	70 tons per month	
41. Barbed Wire	4,000 tons per month	The matter is to be examined by the corresponding authorities in London and Washington. The U.S.A. will always be ready to receive suggestions for maintaining necessary stocks in the U.S.S.R.
42. Toluol	4,000 tons per month	
43. Nitroglycerine Powder	3,000 tons per month	The question of satisfying this enquiry will be investigated in Washington
44. Phenol	1,500 tons per month	
45. Petroleum-Products (Aviation Gasolines, Components to Aviation Gasolines, Lubricating Oils and Greases, Motor Gasolines, and Gas-Oil) according to specification	20,000 tons monthly	Information is not available here and the matter is to be examined in the U.S.A.
46. Ethylene Glycol	120 tons per month	
47. Sodium Bromide	100 tons monthly	Will be supplied from the U.S.A.
48. Phosphorus	100 tons monthly	

	Enquired for by the U.S.S.R.	Satisfied
49. Dibutyl-Phthalate	300 tons monthly	The investigations will take place in London and Washington
50. Dimethylaniline	300 tons monthly	
51. Diphenylamine	300 tons monthly	
52. Colloxylin Nitrocellulose Varnish	300 tons monthly	
53. Metal Cutting machine-tools in accordance with specification	1,200 pieces monthly	It is assumed desirable to supply the Soviet enquiries, but there can be no guarantee of particular types or classifications. All machine-tools that can be furnished will be supplied to the U.S.S.R. from Great Britain and the U.S.A.
54. Electric Furnaces	50 pieces monthly	
55. Forging and Press Equipment according to specification	4,000,000 dollars monthly	
56. Various Industrial Equipment	3,000,000 dollars monthly	
57. Diamonds	150,000 dollars monthly	Will be supplied from Great Britain
58. Abrasives	300,000 dollars monthly	These articles can undoubtedly be supplied, but investigation in the U.S.A. is essential
59. Graphitized Electrodes	400 tons monthly	Will be supplied from the U.S.A.
60. Crucible Graphite (Ceylon)	100 tons monthly	Some can be supplied from Great Britain and after investigation the exact quantity will be advised to Moscow
61. Rubber	6,000 tons monthly	The enquiry will be satisfied by Great Britain
62. Jute	4,000 tons monthly	
63. Shellac	300 tons monthly	
64. Sole Leather	1,500 tons monthly	
65. Wool	2,000 tons monthly	The U.S.A. has already released 3,000 tons. More might be released after investigation in Washington
66. Army Boots	400,000 pairs monthly	Will be released by Great Britain
67. Army cloth	1,200,000 meters monthly	
68. Wheat	200,000 tons monthly	The figures of monthly supplies will be defined precisely in London and Washington
69. Sugar	70,000 tons monthly	Is available in Canada, where there are large stocks
70. Cocoa Beans	1,500 tons monthly	Great quantities are available in the Philippines and in the Dutch East Indies
71. The enquiry for the Navy (in accordance with the Annex) will be considered in London and Washington.		Supplies will be from Great Britain
72. The enquiry for Medical Supply (in accordance with the Annex) will be considered in London and Washington. The American Red Cross has already agreed to give some of the items.		

The enquiry of Great Britain for supplies from the U.S.S.R. (in accordance with the Annex) will be considered in Moscow.

In the event of the war situation changing and the burden of defence being transferred to other theatres of war it will be necessary for the three countries concerned to consult together, and to decide what adjustment of the present arrangement is necessary.

Moscow, *October 1941.*

W. A. HARRIMAN [SEAL]
*Chairman of the Delegation
of the U.S.A.*

*Chairman of the Delegation
of the U.S.S.R.*
V. M. MOLOTOV [SEAL]

BEAVERBROOK [SEAL]
*Chairman of the Delegation
of Great Britain*

ANNEX N. 1

Program of Requirements for the Navy Beginning From October 1941 Till the End of June 1942

1. Naval Ships
 - a) Destroyers
till the end of 1941 8 pieces
 - b) Antimagnetic Minesweeping Trawlers
till the end of 1941 9 pieces
2. Naval Armaments
 - a) 130 mm 55 calibre gun barrels complete with locks and spare parts (Vickers).
till the end of 1941 150 pieces
 - b) 127 mm "double purpose" guns complete with full set of spare parts and accessories, spare free tubes and set of ammunition
till the end of 1941 100 pieces
in the first half year of 1942 200 pieces
Total 300 pieces
 - c) 25-37 mm Naval automatic Anti-Aircraft guns complete with spare barrels, with spare parts and accessories and set of ammunition
till the end of 1941 500 pieces
in the first half year of 1942 1000 pieces
Total 1500 pieces
 - d) 12.7-14 mm Anti-aircraft Machine Guns on the ship's mounting complete with spare parts and set of ammunition
till the end of 1941 1000 pieces
in the first half year of 1942 2000 pieces
Total 3000 pieces
3. Diesels and Motors for Ships Complete with Apparatus
 - a) Capacity 1,100-1,800 H.P.
600 r.p.m.
in the first half year of 1942 150 pieces
 - b) Capacity 150-210 H.P.
450 r.p.m.
in the first half year of 1942 40 pieces

3. Diesels and Motors for Ships Complete with Apparatus—*Continued*
- c) Spare parts for Diesels "Ruston" Capacity 75 H.P.
till the end of 1941 80 sets
 - d) Spare parts for Diesels "Ruston" Capacity 48 H.P.
till the end of 1941 80 sets
 - e) Gasolene or Diesel marine motors complete with all aggregates.
Capacity 1,000-1,200 H.P.
2,000 r.p.m.
in the first half year of 1942 300 pieces
 - f) Diesel-generators of direct current
220 Volts 18-20 kwt
800 r.p.m.
in the first half year of 1942 100 pieces
 - 115 Volts 50 kwt
600-700 r.p.m.
in the first half year of 1942 50 pieces
4. Ship Apparatus "Asdic"
till the end of 1941 150 pieces

ANNEX N. 2

*Program of Enquiries for Medical Instruments, Medicaments and Chemicals
Beginning From October 1941 Till the End of June 1942*

No No:	Names of goods	Quantities
1	Cocainhydrochloricum	1000 kgs.
2	Novocain	3000 "
3	Xeroform	5000 "
4	Pilocarpin hydrochl.	30 "
5	Chloramin	100.000 "
6	Strophantin amp.	750.000 amp.
7	Lanolin anhydricum	100.000 kg.
8	Sulfapyridin	30.000 "
9	Sulfanilamid	65.000 "
10	Pyramidon	30.000 "
11	Luminal	5.000 "
12	Coffein purum	20.000 "
13	Radix ipecacunhae	3.000 "
14	Theobromin purum	20.000 "
15	Acidum benzoicum	10.000 "
16	Cardiasol	500 "
17	Natrum bromatum	30.000 "
18	Kalium bromatum	30.000 "
19	Emetin hydrochloricum	25 "
20	Agar-Agar	100.000 "
21	Papton sic.	3.000 "
22	Mannit	500 "
23	Maltosa	500 "
24	Lactosa	1000 "
25	Lacmus sic.	150 "
26	Oleum cedrae pro micr.	150 "
27	Leucoplatt in assortment of various sizes	500.000 pieces
28	Anatomical Nippers	250.000 "
29	Chirurgical Nippers	200.000 "
30	Koher's nippers size 5''	200.000 "
31	Pean's nippers size 5½''	200.000 "
32	Syringes "Record" à 2 gr. with 2 needles	200.000 "

No No:	Names of goods	Quantities
33	Syringes "Record" à 5 gr. with 2 needles	50.000 pieces
34	Ditto—à 10,0 cc.	200.000 "
35	Ditto—à 20,0 cc.	50.000 "
36	Needles with canulae "Record" No 28 size 0,70 x 35 mm.	5.000.000 "
37	Ditto No 26 size 0,80 x 35 mm.	3.000.000 "
38	Ditto No 23 size 0,90 x 40 mm.	1.000.000 "
39	Ditto No 16 " 1,20 x 50 mm.	1.000.000 "
40	Needles for Blood Transfusion	150.000 "
41	Still's Scissors for removal of gypsum bandage	25.000 "
42	Wound enlargers Gosse	5.000 "
43	Dowen Fricher's hooks	10.000 "
44	Folkman's hooks, sharp, à 4 teeth	15.000 "
45	Drills for intruding	5.000 "
46	Autoclaves 11,5/8 x 21" with 2 bix. sets and one lamp for warming	1.000 "
47	Electromagneto of Milinger's type (for eyes)	50 "
48	Transportable Rontgen apparatus	100 "
49	Translucent screens 30 x 40 cm.	1.000 "
50	Ear Nippers	5.000 "
51	Backhouse's clamps	20.000 "
52	Scalpels No 1	100.000 "
53	Scalpels No 3	100.000 "
54	Amputation knives	20.000 "
55	Cooper's scissors	100.000 "
56	Lister's scissors	25.000 "
57	Strait scissors with blunt points	100.000 "
58	Babcock's spinal needles	20.000 "
59	Mattew's needles Holders	25.000 "
60	Sterilisors of various sizes	50.000 "
61	Mayo-Hegar's needle holders 6 inch box lock	25.000 "
62	Farabeuf's hooks	25.000 "
63	Engel's saws	30.000 "
64	Link Dowen's Respirators	5.000 "
65	Farabeuf's curved respiratories	15.000 "
66	Farabeuf's Forceps	5.000 "
67	Dalgren's cranial rongeurs	5.000 "
68	Trachea tubes No 2	10.000 "
69	Trachea tubes No 4	5.000 "
70	Trachea tubes No 6	5.000 "
71	Whiting's rongeurs, curved	5.000 "
72	Dowen's	5.000 "
73	Surgical gloves, pairs	500 thousand pairs
74	Anatomical gloves, pairs	100 "
75	Rubber warming pan	250 pieces
76	Regular 1½ tests (lens) sets	300 "
77	Amputation saws	15.000 "
78	Curved forceps	30.000 "
79	Ice rubber bags	150 thousand pieces
80	Oilcloth	1.000.000 meters
81	Haemostatic braids	100.000 pieces
82	Rubber tube for blood transfusion 5 mm:	3.000 kgr.
83	Richardsons balls	150 thousand pieces

ANNEX N. 3

Supplies Which Great Britain Desires To Obtain From the Soviet Union

Commodity	Quantity requested	Terms of delivery requested
Archangel Pitch	50 tons	Within 6-8 months
Ammonium Perchlorate	50 tons	Within 6-8 months
Aniline or Nitro-Benzine	3. 000 tons	6 monthly deliveries, November to April
Barium Chlorate	50 tons	ditto
Bees Wax	100 tons	Over 12 months
Belladonna Leaves	Up to 10 tons	Not urgent
Belladonna Root	Up to 10 tons	Not urgent
Bristles	200 tons	Over 12 months
Chrome Ore	10. 000 tons	Urgently
Chinese Wax	5 tons	Over 12 months
Dimethyl-Aniline	200 tons	6-8 months
Ephedra	10 tons	6-8 months
Henbane	Up to 5 tons	
Horsehair	300 tons	
Licorice Root	Up to 500 tons	
Lycopodium	4 tons	6-8 months
Magnesite	15. 000 tons	6-8 months. 5,000 tons already shipped. Great Britain would return to the Soviet Union the magnesium yield of the quantities supplied by the Soviet Union
Muriate of Potash	5. 000 tons	By December
Oil of Coriander	Up to 500 kgs.	Not urgent
Oil of Fennel	Up to 500 kgs.	Not urgent
Pine Tar	Up to 1. 000 tons	Urgent
Platinum	1. 400 kgs.	Urgent. 700 kgs. at once
Potassium Perchlorate	50 tons	6-8 months
Rifles and Ammunition	250. 000, plus 1. 000 rds each	Urgent
Santonin	1 ton	6-8 months
Silk or Silk Waste	500. 000 lbs.	By end 1941
Timber	In quantities as shipping available	
Canned Salmon		

DECLARATION BY UNITED NATIONS

Signed at Washington January 1, 1942

55 Stat. 1600; Executive Agreement Series 236

A JOINT DECLARATION BY THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, CHINA, AUSTRALIA, BELGIUM, CANADA, COSTA RICA, CUBA, CZECHOSLOVAKIA, DOMINICAN REPUBLIC, EL SALVADOR, GREECE, GUATEMALA, HAITI, HONDURAS, INDIA, LUXEMBOURG, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PANAMA, POLAND, SOUTH AFRICA, YUGOSLAVIA.

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland dated August 14, 1941, known as the Atlantic Charter.¹

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

DECLARE:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact² and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

¹ EAS 236, *ante*, p. 686.

² A tripartite pact was signed at Berlin Sept. 27, 1940, by Germany, Italy, and Japan.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

Done at Washington
January First, 1942

The United States of America
by FRANKLIN D. ROOSEVELT

The United Kingdom of Great Britain
and Northern Ireland
by WINSTON S. CHURCHILL

On behalf of the Government of the
Union of Soviet Socialist Republics
MAXIM LITVINOFF
Ambassador

National Government of the Republic of
China
TSE VUNG SOONG
Minister for Foreign Affairs

The Commonwealth of Australia
by R. G. CASEY

The Kingdom of Belgium
by C^{te}. R. v. STRATEN

Canada
by LEIGHTON MCCARTHY

The Republic of Costa Rica
by LUIS FERNÁNDEZ

The Republic of Cuba
by AURELIO F. CONGHESO

Czechoslovak Republic
by V. S. HURBAN

The Dominican Republic
by J. M. TRONCOSO

The Republic of El Salvador
by C. A. ALFARO

The Kingdom of Greece
by CIMON G. DIAMANTOPOULOS

The Republic of Guatemala
by ENRIQUE LOPEZ HERRARTE

La Republique d'Haïti
par FERNAND DENNIS

The Republic of Honduras
by JULIÁN R. CÁCERES

India
by GIRJA SHANKAR BAJPAI

The Grand Duchy of Luxembourg
by HUGHES LE GALLAIS

The Kingdom of the Netherlands
A. LOUDON

Signed on behalf of the Govt. of the
Dominion of New Zealand
by FRANK LANGSTONE

The Republic of Nicaragua
by LEÓN DE BAYLE

The Kingdom of Norway
by W. MUNTHE MORGENSTIERNE

The Republic of Panamá
by JAÉN GUARDIA

The Republic of Poland
by JAN CIECHANOWSKI

The Union of South Africa
by RALPH W. CLOSE

The Kingdom of Yugoslavia
by CONSTANTIN A. FOTITCH

[The declaration was subsequently signed for Mexico and the Philippines (June 14, 1942), Iraq and Brazil (April 10, 1943), Bolivia (May 5, 1943), Iran (September 14, 1943), Colombia (January 17, 1944), Ethiopia (March 7, 1944), Liberia (April 10, 1944), France (January 1, 1945), Ecuador, Paraguay, Peru, and Chile (February 14, 1945), Venezuela (February 20, 1945), Uruguay (February 24, 1945), Turkey and Egypt (February 28, 1945), and Saudi Arabia, Syria, and Lebanon (April 12, 1945).]

INTER-AMERICAN DEFENSE BOARD

*Resolution adopted by the Third Meeting of the Ministers of Foreign Affairs of the American Republics at Rio de Janeiro January 28, 1942*¹

Department of State Bulletin, Feb. 7, 1942, p. 139

INTER-AMERICAN DEFENSE BOARD

WHEREAS:

1. In accordance with the action taken at the Conference for the Maintenance of Peace² and in conformity with the Declaration of Lima,³ a system of coordination exists between the American Republics which fortunately responds to the spirit of sincere collaboration animating the peoples of our Continent; and

2. This system, the results of which have heretofore been satisfactory, is, from every point of view, the most effective means on the part of the Western Hemisphere for meeting the present grave emergency in a coordinated and solidary manner,

The Third meeting of the Ministers of Foreign Affairs of the American Republics

RECOMMENDS:

The immediate meeting in Washington of a commission composed of military and naval technicians appointed by each of the Governments to study and to recommend to them the measures necessary for the defense of the Continent.

¹ For an announcement of the first meeting of the Inter-American Defense Board at Washington Mar. 30, 1942, see *Department of State Bulletin*, Mar. 28, 1942, p. 260.

² For text of a declaration adopted by the Inter-American Conference for the Maintenance of Peace at Buenos Aires Dec. 21, 1936, see *ante*, p. 300.

³ For text of a declaration adopted by the Eighth International Conference of American States at Lima Dec. 24, 1938, see *ante*, p. 534.

PEACE, FRIENDSHIP, AND BOUNDARIES BETWEEN PERU AND ECUADOR

*Protocol signed at Rio de Janeiro January 29, 1942*¹

Approved by the Congress of Ecuador February 26, 1942

Approved by the Congress of Peru February 26, 1942

Entered into force February 26, 1942

56 Stat. 1818; Executive Agreement Series 288

[TRANSLATION]

The Governments of Peru and Ecuador, desiring to settle the boundary dispute which, over a long period of time, has separated them, and taking into consideration the offer which was made to them by the Governments of the United States of America, of the Argentine Republic, of the United States of Brazil, and of Chile, of their friendly services to seek a prompt and honorable solution to the problem, and moved by the American spirit which prevails in the Third Consultative Meeting of the Ministers of Foreign Affairs of the American Republics, have resolved to conclude a protocol of peace, friendship, and boundaries in the presence of the representatives of those four friendly Governments. To this end, the following plenipotentiaries take part:

For the Republic of Peru, Doctor Alfredo Solf y Muro, Minister of Foreign Affairs; and

For the Republic of Ecuador, Doctor Julio Tobar Donoso, Minister of Foreign Affairs;

Who, after having exhibited the respective full powers of the parties, and having found them in good and due form, agree to the signing of the following protocol:

ARTICLE ONE

The Governments of Peru and Ecuador solemnly affirm their resolute intention of maintaining between the two peoples relations of peace and friendship, of understanding and good faith and of abstaining, the one with respect to the other, from any action capable of disturbing such relations.

¹ Signed for the United States as one of the four guarantor countries.

ARTICLE II

The Government of Peru shall, within a period of 15 days from this date, withdraw its military forces to the line described in article VIII of this protocol.

ARTICLE III

The United States of America, Argentina, Brazil, and Chile shall cooperate, by means of military observers, in order to adjust to circumstances this evacuation and retirement of troops, according to the terms of the preceding article.

ARTICLE IV

The military forces of the two countries shall remain in their new positions until the definitive demarcation of the frontier line. Until then, Ecuador shall have only civil jurisdiction in the zones evacuated by Peru, which remain in the same status as the demilitarized zone of the Talara Act.

ARTICLE V

The activity of the United States, Argentina, Brazil, and Chile shall continue until the definitive demarcation of frontiers between Peru and Ecuador has been completed, this protocol and the execution thereof being under the guaranty of the four countries mentioned at the beginning of this article.

ARTICLE VI

Ecuador shall enjoy, for purposes of navigation on the Amazon and its northern tributaries, the same concessions which Brazil and Colombia enjoy, in addition to those which may be agreed upon in a Treaty of Commerce and Navigation designed to facilitate free and untaxed navigation on the aforesaid rivers.

ARTICLE VII

Any doubt or disagreement which may arise in the execution of this protocol shall be settled by the parties concerned, with the assistance of the representatives of the United States, Argentina, Brazil, and Chile, in the shortest possible time.

ARTICLE VIII

The boundary line shall follow the points named below:

A)—In the west:

- 1)—The mouth of the Capones in the ocean;
- 2)—The Zarumilla River and the Balsamal or Lajas Quebrada;
- 3)—The Puyango or Tumbes River to the Quebrada de Cazaderos;
- 4)—Cazaderos;
- 5)—The Quebrada de Pilares y del Amor to the Chira River;

- 6)—The Chira River, upstream;
- 7)—The Maracá, Calvas, and Espíndola Rivers, upstream, to the sources of the last mentioned in the Nudo de Sabanillas;
- 8)—From the Nudo de Sabanillas to the Canchis River;
- 9)—Along the whole course of the Canchis River, downstream;
- 10)—The Chinchipe River, downstream, to the point at which it receives the San Francisco River.

B)—In the east:

- 1)—From the Quebrada de San Francisco, the watershed between the Zamora and Santiago Rivers, to the confluence of the Santiago River with the Yaupi;
- 2)—A line to the outlet of the Bobonaza into the Pastaza. The confluence of the Cunambo River with the Pintoyacu in the Tigre River;
- 3)—Outlet of the Cononaco into the Curaray, downstream, to Bellavista;
- 4)—A line to the outlet of the Yasumi into the Napo River. Along the Napo, downstream, to the mouth of the Aguarico;
- 5)—Along the latter, upstream, to the confluence of the Lagartococha or Zancudo River with the Aguarico;
- 6)—The Lagartococha or Zancudo River, upstream, to its sources and from there a straight line meeting the Güepí River and along this river to its outlet into the Putumayo, and along the Putumayo upstream to the boundary of Ecuador and Colombia.

ARTICLE IX

It is understood that the line above described shall be accepted by Peru and Ecuador for the demarcation of the boundary between the two countries, by technical experts, on the grounds. The parties may, however, when the line is being laid out on the ground, grant such reciprocal concessions as they may consider advisable in order to adjust the aforesaid line to geographical realities. These rectifications shall be made with the collaboration of the representatives of the United States of America, the Argentine Republic, Brazil, and Chile.

The Governments of Peru and Ecuador shall submit this protocol to their respective Congresses and the corresponding approval is to be obtained within a period of not more than 30 days.

In witness whereof, the plenipotentiaries mentioned above sign and seal the present protocol, in two copies, in Spanish, in the city of Rio de Janeiro, at one o'clock, the twenty-ninth day of January, of the year nineteen hundred and forty-two, under the auspices of His Excellency the President of Brazil and in the presence of the Ministers of Foreign Affairs of the Argentine Re-

public, Brazil, and Chile and of the Under Secretary of State of the United States of America.

[For Peru:]

ALFREDO SOLF Y MURO

[SEAL]

[For Argentina:]

E. RUIZ GUIÑAZÚ

[For Ecuador:]

J. TOBAR DONOSO

[SEAL]

[For Chile:]

JUAN B. ROSSETTI

[For the United States:]

SUMNER WELLES

[For Brazil:]

OSWALDO ARANHA

WHEAT

*Memorandum of agreement initialed at Washington April 22, 1942,
with draft convention; minutes of final session of Washington
Wheat Meeting initialed at Washington April 22, 1942*¹

Entered into force June 27, 1942

*Paragraphs 5, 6, 7, and 8 of memorandum deleted and new paragraph
5 substituted therefor by agreement of June 3, 1946*²

*Superseded by agreement of March 23, 1949*³

57 Stat. 1382; Executive Agreement Series 384

MEMORANDUM OF AGREEMENT

1. Officials of Argentina, Australia, Canada and the United States, wheat exporting countries, and of the United Kingdom, a wheat importing country, met in Washington on July 10, 1941 to resume the wheat discussions which were interrupted in London by the outbreak of war in September 1939 and to consider what steps might be taken toward a solution of the international wheat problem.

2. The discussions at Washington, which extended over a period of many months, have made it clear that a satisfactory solution of the problem requires an international wheat agreement and that such an agreement requires a conference of the nations willing to participate which have a substantial interest in international trade in wheat. It was also recognized that pending the holding of such a conference the situation should not be allowed to deteriorate. The Washington Wheat Meeting has recorded the results of its deliberations in the attached Draft Convention in order to facilitate further international consideration of the subject at such time as may be possible and to provide a basis for such interim measures as may be found necessary.

3. The Washington Wheat Meeting has recognized that it is impracticable to convene at the present time the international wheat conference referred to above. Accordingly, the five countries present at that Meeting have agreed that the United States, so soon as after consultation with other countries it

¹ For notes of approval and notification of entry into force, see 57 Stat. 1399 or p. 20 of EAS 384.

² TIAS 1540, *post*, vol. 4.

³ TIAS 1957, *post*, vol. 4.

deems the time propitious, should convene a wheat conference of the nations having a substantial interest in international trade in wheat which are willing to participate, and that the Draft Convention above mentioned should be submitted to that conference for consideration.

4. In the meantime there should be no delay in the provision of wheat for relief in war-stricken and other necessitous areas so soon as in the view of the five countries circumstances permit. Likewise it is imperative that the absence of control measures over the accumulation of stocks in the four countries now producing large quantities of wheat for markets no longer available should not create insoluble problems for a future conference. Accordingly, the five countries have agreed to regard as in effect among themselves, pending the conclusions of the conference referred to above, those arrangements described in the attached Draft Convention which are necessary to the administration and distribution of the relief pool of wheat and to the control of production of wheat other than those involving the control of exports.

5. If the conference contemplated above shall have met and concluded an agreement prior to the cessation of hostilities, no further action will be needed by the countries represented at the Washington Meeting. However, if this is not the case, it will be necessary, in order to prevent disorganization and confusion in international trade in wheat, to institute temporary controls pending the conclusions of the conference. Accordingly the five countries agree that in the period following the cessation of hostilities and pending the conclusion of a wheat agreement at the conference referred to the arrangements described in the attached Draft Convention which relate to the control of production, stocks and exports of wheat and to the administration thereof will be brought into effect among themselves. Those arrangements will come into effect on such date as may be unanimously agreed. Announcement of that date will be made within six months after the cessation of hostilities.

6. Pending the conclusions of the conference contemplated above, the five countries, on the cessation of hostilities or such earlier date as they may agree, will regard as in effect among themselves the arrangements described in the attached Draft Convention for the control of the prices of wheat. The determination of prices required to be made in accordance with those arrangements will be made by unanimous consent. If no determination of prices has been made on the cessation of hostilities, the five countries will, pending such determination but for a period not exceeding six months, maintain as the export price of wheat the last price negotiated by the United Kingdom for a bulk purchase of wheat from the principal country of supply: equivalent f.o.b. prices will be calculated for wheats of the other exporting countries and will be adjusted from time to time to meet substantial changes in freight and exchange rates.

7. In taking any decisions under this Memorandum and the arrangements of the Draft Convention which it brings into operation each of the five

countries will have one vote and a two-thirds majority will be required for decision except as otherwise provided herein.

8. The provisions of this Memorandum will be superseded by any agreement reached at the proposed wheat conference or by any arrangements which the five countries and other interested countries may make to deal with the period pending such a conference. In any event they are to terminate two years from the cessation of hostilities.

For Argentina

A. M. V. [ANSELMO M. VIACAVA]

For the United Kingdom

H. F. C. [HAROLD F. CARLILL]

For Australia

E. McC. [EDWIN MCCARTHY]

For the United States

L. A. W. [LESLIE A. WHEELER]

For Canada

C. F. W. [CHARLES F. WILSON]

WASHINGTON,

April 22, 1942.

DRAFT CONVENTION

PREAMBLE

1. The prospects with regard to the production and marketing of wheat are such that accumulation of wheat surpluses threatens to result in grave post-war difficulties for the economies of the producing countries and hence, because of the interdependence of nations, for the economies of all countries. It is also to be expected that, unless appropriate action is taken, such accumulation will recur.

2. A solution of the problem thus presented must be regarded as an essential part of any program of world economic reconstruction and will call for cooperative action by all countries concerned in international trade in wheat. It will involve national and international measures for the regulation of wheat production in both exporting and importing countries, for the orderly distribution of wheat and flour in domestic and international trade at such prices as are fair to consumers and provide a reasonable remuneration to producers and for the maintenance of world supplies which shall be at all times ample for the needs of consumers without being so excessive as to create a world burden of unwanted surpluses.

3. Cooperative action is also necessary to meet the need for relief in the war-stricken areas of the world by the supply and distribution of gifts of wheat.

4. The benefits of abundant world supplies of wheat cannot be assured to consumers unless there is a substantial decrease in uneconomic incentives to high-cost production, a lowering of barriers to world trade and the charging of prices to consumers not substantially higher than the price of wheat in international trade.

5. In many countries the standard of living would be improved by increasing the consumption of wheat through a lowering of prices. In all

countries the standard of living would be improved by stimulating the consumption of foods rich in vitamins, proteins and minerals. The increased production of such foods would offer a more valuable use for land which has at times been used uneconomically for high-cost production of wheat.

6. Producers of an international commodity such as wheat are directly affected by standards of living throughout the world, by international purchasing power and by prevailing policies and practices affecting international trade generally. There can be no basic solution of the problem of export surpluses without a general reduction of import barriers and no measure should be taken or maintained which has the effect of retarding such reduction or of preventing in any way the fullest possible development of international trade.

Accordingly the contracting Governments have agreed as follows:

ARTICLE I (EXPANSION OF TRADE)

1. The contracting Governments agree that an essential element of a solution of the world wheat problem is that consumers should have the opportunity and means of increasing their purchases of wheat from areas which are equipped to produce it economically. They agree that such opportunity and means depend not only on the lowering of barriers to the importation of wheat but also on making available to wheat importing countries increased outlets for the exportation of goods which they in turn are equipped to produce economically. They agree that this requires the adoption and pursuit of national and international policies aimed at a fuller and more efficient use among nations of human and natural resources and thereby a world-wide expansion of purchasing power.

2. Recognizing therefore that much that is called for transcends the scope of a wheat agreement and requires action on a broad international basis, but that much also can be accomplished by national measures and by agreements with each other and with other countries, the contracting Governments undertake to further in every way possible the attainment of the foregoing objectives.

3. The Council shall from time to time submit to the contracting Governments a review of international trade in wheat and invite them to consider, in the light of the foregoing, what measures may be adopted for the expansion of such trade.

ARTICLE II (PRODUCTION CONTROL)⁴

1. The Governments of Argentina, Australia, Canada and the United States of America shall adopt suitable measures to ensure that the production of wheat in their territories does not exceed the quantity needed for domestic

⁴ NOTE: This Article to be expanded, when further international consideration of the subject is possible, to include provisions for production control in other exporting countries and in importing countries. [Footnote in original.]

requirements and the basic export quotas and maximum reserve stocks for which provision is hereinafter made.

2. Should nevertheless production in any country be found to have exceeded in any crop-year the quantity above prescribed, the Government of that country shall before the end of that crop-year take such action as will result in the disappearance of the excess production within its territories before the end of the following crop-year or shall otherwise deal with such excess production as the Council may direct, except that if any part of the excess production is shown to the satisfaction of the Council to be due to a yield above the average of the preceding 20 years the Government of the country concerned may carry that part as provided in paragraph 3(a) of Article III or deal with it in such other manner as may be agreed with the Council.

3. Pending the coming into force of paragraphs 1 and 2 of this Article, the Governments of Argentina, Australia, Canada and the United States of America shall adopt or maintain positive measures to control production with the object of minimizing the accumulation of excessive stocks.

ARTICLE III (STOCKS)

1. The Governments of Argentina, Australia, Canada and the United States of America shall, subject to the provisions of paragraphs 2, 3, 4 and 5 of this Article, ensure that stocks of old wheat held at the end of their respective crop years are not less than 35, 25, 80 and 150 million bushels respectively, and not more than 130, 80, 275 and 400 million bushels respectively. Any stocks not in excess of the specified maximum are hereinafter called "reserve stocks".

2. Stocks of old wheat in any country may be permitted to fall below the specified minimum (a) if the new crop together with the carry-over from the previous crop-year is insufficient to meet domestic requirements and leave at the end of that crop-year the minimum reserve stocks specified, in which case those stocks may be reduced by the amount necessary fully to meet domestic requirements, and (b) in so far as the Council decides that exports from the minimum reserve stocks of that country are required fully to meet the world demand for imported wheat.

3. Stocks of old wheat may exceed the maximum by (a) the quantity of permitted excess stocks ascertained under paragraph 4 of this Article and (b) the quantity of permitted surplus stocks ascertained under paragraph 5 of this Article.

4. Such part of excess production in the first crop-year in which it occurs following the crop-year in which Article IV comes into force as may be shown under paragraph 2 of Article II to be due to above average yields shall be permitted excess stocks at the end of that crop-year. The permitted excess stocks at the end of each succeeding crop-year shall be ascertained by the Council by deducting from the permitted excess stocks, if any, at the end of

the preceding crop-year any quantity by which production in the crop-year then ending was less than the maximum prescribed in paragraph 1 of Article II or by adding thereto such part of any excess production in that crop-year as may be shown under paragraph 2 of Article II to be due to above average yields.

5. Stocks in excess of the maximum, as ascertained by the Council, at the end of the crop-year in which announcement is made of the date on which the provisions of Articles II, III and IV will come into effect shall be permitted surplus stocks, unless that announcement is made less than 45 days prior to the beginning of the seeding period for the next harvest in which case stocks in excess of the maximum at the end of the succeeding crop-year shall be permitted surplus stocks. Permitted surplus stocks at the end of each succeeding crop-year shall be ascertained by the Council by deducting from the permitted surplus stocks at the end of the preceding crop-year (a) any secondary or supplementary export quotas allocated in the crop-year then ending and (b) any quantity by which production in that crop-year plus the permitted excess stocks at the end of the preceding crop-year was less than the maximum production prescribed in paragraph 1 of Article II.

6. Should it be shown to the satisfaction of the Council that, owing to insufficient or defective storage facilities, any part of the permitted surplus stocks in any country has been destroyed or has been disposed of by governmental measures in a manner clearly constituting extraordinary use such parts shall nevertheless be counted as permitted surplus stocks for the purposes of paragraphs 3 and 4 of Article IV so long as any other permitted surplus stocks remain in that country.

7. The council shall

(a) at its regular August meeting ascertain the permitted surplus stocks in Canada and the United States of America at the end of their preceding crop-years and estimate such stocks in Argentina and Australia at the end of their current crop-years

and

(b) at its regular January meeting ascertain the permitted surplus stocks in Argentina and Australia at the end of their preceding crop-years and estimate such stocks in Canada and the United States of America at the end of their current crop-years.

ARTICLE IV (EXPORT CONTROL)

1. The contracting Government of each exporting country shall adopt the measures necessary to ensure that net exports of wheat, including flour expressed in terms of its wheat equivalent, from its territories in each quota-

year shall not, subject to the provisions of paragraph 11 of this Article, exceed the basic, secondary and supplementary export quotas for which provision is hereinafter made. It is recognized in principle that, within the framework of this Agreement, wheat from each exporting country should continue to find its way into its normal markets.

2. The basic export quotas for Argentina, Australia, Canada and the United States of America shall, subject to the provisions of paragraph 3 of this Article, be 25, 19, 40 and 16 percent respectively of the Council's latest published estimate of the total volume of international trade in wheat and flour in each quota-year less (a) such basic export quotas for other exporting countries as may be agreed under Article XIV and (b) reasonable allowances, having due regard to exports in past years, for net exports from the territories of Governments not parties to the Agreement.

3. Should the residual quantity ascertained under paragraph 2 of this Article exceed 500 million bushels in any quota-year, the excess shall be allocated to Argentina, Australia, Canada and the United States of America as secondary export quotas. Allocations made in the first half of the quota-year shall be in proportion to permitted surplus stocks as determined under paragraph 7 (a) of Article III and allocations made in the second half of the quota-year shall be in proportion to permitted surplus stocks as determined under paragraph 7 (b) of Article III. Should there be no permitted surplus stocks in any of those four countries the excess shall be allocated to those countries as secondary export quotas in proportion to their basic export quotas.

4. If the Council is satisfied that any part of any country's export quota or of the allowance made for its exports for any quota-year will not be exported by that country in that quota-year, it shall, subject to the provisions of paragraph 6 of this Article, re-allocate that part as supplementary export quotas to the other exporting countries in accordance with the procedure prescribed in paragraph 3 of this Article for the allocation of secondary export quotas. Should there be no permitted surplus stocks in any of those countries that part shall, unless the Council otherwise decides, be re-allocated as supplementary export quotas to those of the other exporting countries which have percentage export quotas in proportion to those quotas.

5. No decisions taken by the Council pursuant to paragraph 4 of this Article shall prejudice the right of any country to export its full export quota within the quota-year to which it relates.

6. Should it be shown to the satisfaction of the Council that the failure of any country to ship any part of its export quota during the first quota-year is due to shortage of shipping, the amount of the supplementary export quotas allocated to other countries in respect of such part shall be deducted from the basic export quotas of those countries for the second quota-year

and added to the aforementioned country's basic export quota for the second quota-year.

7. No export quota or part thereof shall be exported in any quota-year other than that to which it relates, except as otherwise provided in this Article. Should it nevertheless be shown to the satisfaction of the Council that, owing to unavoidable delay in the arrival or departure of ships, part of an export quota had not been shipped at the end of the quota-year that part may be shipped in the following quota-year but shall be deemed to have been shipped in the quota-year to which it relates.

8. No export quota or part thereof shall be ceded, transferred or loaned by any country except as provided in this Article or with the unanimous approval of the contracting Governments of exporting countries.

9. When it appears that any country is approaching the limit of its export quota, the Chairman of the Council on the recommendation of the Executive Committee shall request the Government of that country to control loadings for export during the remainder of the quota-year and to telegraph each week to the Council the gross exports and gross imports of wheat and of wheat flour from and into its territories during the preceding week.

10. When the Chairman of the Council after consultation with the Executive Committee finds that any country has exported its export quota for any quota-year he shall immediately make a declaration to that effect. The contracting Government of the exporting country concerned shall thereupon announce that the exportation of wheat or flour from its territories will not be permitted after seven days from the date of the Chairman's declaration and the contracting Government of each importing country shall not permit the importation into its territories of wheat or flour shipped from that exporting country during the current quota-year more than seven days after the date of the Chairman's declaration.

11. Should it be found that, owing to practical difficulties of closely controlling shipments, exports from any country have exceeded its export quota, that country shall not be deemed to have infringed the provisions of paragraph 1 of this Article so long as the excess is not more than 5 percent of the quota, but the amount of that excess up to 3 percent of the quota and three times the amount of that excess above 3 percent of the quota shall be deducted from that country's export quota for the following quota-year.

12. The contracting Governments recognize that international trade in wheat should be distributed on a fair and equitable basis among all countries which export wheat and they agree that the effective operation of the Agreement should not be impaired by abnormal exports from countries that have not acceded to it. Accordingly the contracting Governments shall cooperate in taking, on the advice of the Council, such practicable measures as may be necessary to attain this end.

ARTICLE V (PRICE CONTROL)

1. The Council shall fix and publish prior to the coming into force of Article IV and thereafter at each regular August meeting a basic minimum price and a basic maximum price of wheat, c.i.f. United Kingdom ports, and schedules of prices, c.i.f. and/or f.o.b., equivalent thereto for the various wheats sold in world markets. These prices shall take effect on such date as may be determined by the Council and shall remain in force until the effective date of the prices fixed by the Council at its next regular August meeting but shall be subject to such adjustments as the Council may find necessary to meet substantial changes in freight or exchange rates or as may be made in accordance with the provisions of paragraph 3 of this Article.

2. The prices fixed under paragraph 1 of this Article shall be such as will in the opinion of the Council (a) return reasonably remunerative prices to producers in exporting countries, (b) be fair to consumers in importing countries, (c) be in reasonable relationship to prices of other commodities and (d) make appropriate allowance for exchange rates and transportation costs.

3. Should the Council so decide the basic minimum and maximum prices of wheat and the schedules of prices equivalent thereto shall be adjusted at monthly or other intervals to allow for carrying charges.

4. The Governments of Argentina, Australia, Canada and the United States of America shall not, after the coming into force of paragraph 1 of this Article, sell or permit the sale of wheat for export, or to millers for producing flour for export, at prices below the minimum equivalents fixed by the Council under paragraph 1 or 3 of this Article.

5. The Governments of Argentina, Australia, Canada and the United States of America shall ensure that wheat for export is at all times on sale at f.o.b. prices not in excess of the maximum equivalents fixed by the Council under paragraph 1 or 3 of this Article.

ARTICLE VI (RELIEF POOL)

1. The Governments of Argentina, Australia, Canada, the United Kingdom and the United States of America shall establish a pool of wheat which will be available for intergovernmental relief in war-stricken countries and other necessitous areas of the world, where circumstances in the view of those Governments make such relief practicable.

2. The Governments of Canada, the United Kingdom and the United States of America shall give to the pool, as and when required by the Council, 25, 25 and 50 million bushels respectively of wheat, or its equivalent in whole or part in flour, f.o.b. seaboard port in the country of origin.

3. The Governments of Argentina, Australia, Canada and the United States of America shall, as and when required by the Council, give to the pool in addition to the contributions prescribed in paragraph 2 of this Article a

quantity of wheat or its equivalent in whole or part in flour, f.o.b. seaboard port, to be determined by them in consultation with the Council and on such basis as may be agreed among them.

4. The Council shall be responsible for the administration of the relief pool and shall, wherever possible, arrange for the distribution of relief wheat through such intergovernmental relief body as may be set up and given general responsibility for the distribution of relief. Should the Council decide to make relief wheat or flour available to any necessitous area in which the intergovernmental relief body has not the organization necessary for the distribution of such wheat or flour the Council shall arrange with the appropriate authorities to distribute such wheat or flour in that area. Any arrangements for the distribution of relief wheat shall be such as to minimize, so far as the provision of sufficient relief permits, the reduction of the effective demand for wheat on sale.

5. The United Kingdom Government may, if so agreed by the Council after consultation with the intergovernmental relief body, contribute transportation of relief wheat or flour in lieu of part or all of its contribution under paragraph 2 of this Article.

6. Any contributing Government shall, if the Council after consultation with the intergovernmental relief body so requests and upon such terms of replacement as may be agreed with the Council, make, pending the arrival of contributions by other Governments, advances of such wheat or flour as that Government may consider practicable to release for immediate relief.

7. Should the Council consider or be advised by the intergovernmental relief body that the quantity of relief wheat contributed under paragraphs 2, 3 and 5 of this Article appears likely to prove insufficient, the Council shall make recommendations to the contracting Governments regarding additional contributions.

8. The Council shall instruct the Executive Committee (a) to facilitate the transfer of relief wheat and flour from the national wheat-handling organizations of the contributing Governments to the intergovernmental relief body, (b) to maintain effective liaison between the national wheat-handling and shipping organizations of the contributing Governments and international shipping and transport controls and (c) generally to consult with the intergovernmental relief body regarding all transactions relating to the relief pool.

9. Should the Council receive, at any time after the completion of the relief to which the provisions of paragraphs 1 to 8 of this Article relate, an appeal for relief wheat or flour from any Government to relieve famine in any area within the jurisdiction of that Government, the Council shall investigate the possibilities of meeting such an appeal and report to the contracting Governments its findings together with its recommendations.

ARTICLE VII (THE COUNCIL)⁵

1. This Agreement shall be administered by an International Wheat Council consisting of one or more delegates of each contracting Government.

2. The Council shall have the powers specifically assigned to it under the Agreement and such other powers as are necessary for the effective operation of the Agreement and for the carrying out of its provisions.

3. The Council may, by unanimity of the votes cast, delegate the exercise of any of its powers or functions to such persons or bodies as it thinks fit.

4. The Council shall elect, for such periods and upon such conditions as it may determine, a Chairman and a Vice Chairman, who need not be delegates of contracting Governments.

5. The Council shall appoint a Secretary and such other employees as it considers necessary and determine their powers, duties, compensation and duration of employment.

6. The seat of the Council shall be in London unless the Council should otherwise determine.

7. The Council shall meet in January and August of each year and at such other times as it may determine. The Chairman shall convene a meeting of the Council if so requested (a) by the Executive Committee or (b) by the delegates of five contracting Governments or (c) by the delegates of contracting Governments with a total of not less than votes.

8. Notices of all meetings shall be dispatched so as to ensure receipt by delegations of contracting Governments at least fourteen days in advance of the date fixed for the meeting.

9. Any contracting Government may designate the delegation of any other contracting Government to represent it and to vote on its behalf at any meeting of the Council or on any particular question. The terms of any such delegation of authority shall be communicated in writing by the delegating Government to the Chairman of the Council.

10. The Council may take decisions, without holding a meeting, by correspondence between the Chairman and the delegations of the contracting Governments, unless any delegation objects. Any decisions so taken shall be communicated forthwith to all the delegations and shall be recorded in the Minutes of the next meeting of the Council.

11. The Council shall make at the earliest practicable date all possible arrangements with international shipping controls to facilitate the exportation of wheat.

12. The Council shall instruct the Executive Committee (a) to cooperate with bodies engaged in the task of improving human nutrition, (b) to investigate the possibilities of increasing wheat consumption and (c) to examine and report upon any proposals made to the Council by any con-

⁵ NOTE: This Article to be expanded, when further international consideration of the subject is possible, to include provisions for voting. [Footnote in original.]

tracting Government designed to facilitate the attainment of the objectives of the Agreement.

13. The Council shall ascertain and make public the carry-over of wheat in Argentina, Australia, Canada and the United States of America at the end of each of their respective crop-years.

14. The Council shall, upon the request of any contracting Government of an exporting country, investigate the possibility of meeting the needs of that country for wheat storage facilities to maintain in a good state of preservation such stocks of wheat as may accumulate prior to the coming into force of Article IV. The Council shall report to the contracting Governments its findings together with its recommendations.

15. The Council shall at its regular August meeting make and publish, with such detail as it considers desirable, an estimate of the total volume of international trade in wheat and flour in the current quota-year and shall from time to time review that estimate and publish such revised estimates as it may make.

16. The Council shall publish an annual report on the operation of the Agreement which shall include a summary of relevant statistics and such other material as the Council may determine. The Council may authorize the publication of such other reports as it considers appropriate. Reports shall be published in English and in any other languages that the Council may determine.

17. Pending the establishment of the Executive Committee under Article VIII, the Council shall itself perform the functions assigned by the Agreement to that Committee.

18. The Council may arrange to take over the assets and liabilities of the Wheat Advisory Committee upon the dissolution of that body on such terms as may be agreed with it.

ARTICLE VIII (THE EXECUTIVE COMMITTEE)

1. The Council shall, when it considers it desirable to do so, establish an Executive Committee which shall work under its general direction.

2. The Chairman of the Executive Committee shall be appointed by the Council for such period and upon such conditions as it may determine. He need not be a delegate of a contracting Government to the Council or a member of the Committee.

3. The Secretary of the Council shall be the Secretary of the Executive Committee.

4. In addition to the specific duties for which provision is made in this Agreement, the Executive Committee shall be charged with the general duty of keeping under review the working of the Agreement and of reporting to the Council from time to time on the manner in which the provisions of the Agreement are being carried out.

5. The Executive Committee may be convened at any time by its Chairman.

6. The decisions of the Executive Committee shall be taken by a simple majority of the total votes held by its members.

ARTICLE IX (REPORTS TO THE COUNCIL)

1. Each contracting Government shall make to the Council such reports as the Council may from time to time request on the action which that Government has taken to carry out the provisions of this Agreement.

2. Each contracting Government shall upon request telegraph each month to the Council the gross exports and gross imports of wheat and of wheat flour from and into its territories in the preceding month, and shall supply such other information as the Council may from time to time request for the purposes of the Agreement.

ARTICLE X (FINANCE)

1. The contracting Governments shall share proportionally to the votes which they hold in the Council any expenses incurred by the Council in administering this Agreement.

2. The Council shall at its first meeting approve its budget for the period prior to the first day of the month of August after its first regular January meeting and assess the contribution to be paid by each contracting Government for that period.

3. The Council shall at each regular January meeting approve its budget for the following August-July period and assess the contribution to be paid by each contracting Government for that period.

4. The initial contribution of any Government acceding to the Agreement after the first meeting of the Council shall be assessed proportionally to the number of its votes in the Council and to the number of full months between its accession and the beginning of the first August-July period for which it is assessed under the provisions of paragraph 3 of this Article, but the assessments already made upon other Governments shall remain unaltered.

5. The Council shall publish an audited statement of all moneys received and paid out during the period referred to in paragraph 2 of this Article and during each August-July period thereafter.

6. Consideration shall be given by each contracting Government to the possibility of according to the funds of the Council and to the salaries paid by the Council to its employees who are nationals of other countries treatment in respect of taxation and of foreign exchange control no less favourable than that accorded by such Government to the funds of any other Government and to salaries paid by any other Government to any of its accredited representatives who are its nationals.

7. The Council shall determine the disposal, on the termination of the Agreement, of any funds which remain after meeting its obligations.

ARTICLE XI (DATE UPON WHICH THE AGREEMENT COMES INTO FORCE)⁶

ARTICLE XII (DURATION OF THE AGREEMENT)

This Agreement shall remain in force for four years after the last day of the month of July following the date upon which it comes into force. The Council shall inquire of the contracting Governments at least six months before the Agreement is due to expire whether they desire to continue it and shall report to the contracting Governments the results of such inquiry together with its recommendations.

ARTICLE XIII (RELATION TO OTHER AGREEMENTS)

1. So long as this Agreement remains in force it shall prevail over any provisions inconsistent therewith which may be contained in any other agreement previously concluded between any of the contracting Governments.

2. Should any contracting Government be party to an agreement with a non-contracting Government containing any provision inconsistent with this Agreement, that contracting Government shall take all reasonable steps to procure the necessary amendment of such agreement at the earliest date which it deems practicable.

ARTICLE XIV (ACCESSIONS)

This Agreement shall at any time be open to accession by the Government of any country on the terms contained therein so far as they are applicable to that Government and on such other terms not inconsistent therewith as may be agreed with the Council. It shall accede as the Government either of an exporting country or of an importing country as may be agreed with the Council and if it accedes as the Government of an exporting country it shall have such basic export quota as may be agreed with the Council.

ARTICLE XV (WITHDRAWALS)

1. The contracting Government of any country which considers its national security endangered as a result of hostilities may apply to the Council for the suspension of any of its obligations under Articles II, III, IV and V of this Agreement. If the application is not granted within 30 days after the date thereof, such Government may within 15 days after the end of that period withdraw from the Agreement on written notice to the Council.

2. If it is shown to the satisfaction of the Council that the Government of Argentina, of Australia, of Canada or of the United States of America has

⁶ NOTE: The text of this Article to be determined when further international consideration of the subject is possible. [Footnote in original.]

failed to carry out its obligations under paragraph 1 of Article IV or paragraph 4 of Article V, the contracting Government of any exporting country may within 90 days withdraw from the Agreement on 30 days' written notice to the Council.

3. If the Government of Argentina, of Australia, of Canada or of the United States of America withdraws from the Agreement, the Agreement shall thereupon terminate, unless the Council, by three-fourths of the total votes held in the Council, decides to maintain the Agreement with whatever modifications it may deem necessary.

ARTICLE XVI (TERRITORIES)

1. The rights and obligations under this Agreement of the Government of Argentina apply to the Customs territory thereof; those of the Government of Australia to Australia and her territories; those of the Government of Canada to the Customs territory thereof; those of the Government of the United Kingdom of Great Britain and Northern Ireland to Great Britain and Northern Ireland; and those of the Government of the United States of America to the Customs territory thereof.

2. In the event of the Government of any other country acceding to the Agreement under Article XIV, the Council shall agree with the said acceding Government as to the territories to which the rights and obligations of the said acceding Government under the Agreement shall apply.

ARTICLE XVII (DEFINITIONS)

For the purposes of this Agreement:

1. "Bushel" means sixty pounds avoirdupois.

2. "Carrying charges" means the costs incurred for storage, interest and insurance in holding wheat.

3. "Carry-over" means the aggregate of the stocks in any country, as ascertained by the Council under paragraph 13 of Article VII, of old wheat at the end of the crop-year held (a) in all elevators, warehouses and mills, (b) in transit or at railroad sidings and (c) on farms, except that in the case of Canada "carry-over" means in addition the stocks of wheat of Canadian origin held in bond in the United States of America.

4. "Council" means the International Wheat Council for which provision is made in Article VII.

5. "Crop-year" means in respect of Argentina and Australia, the period from December 1 to November 30; in respect of Canada, the period from August 1 to July 31; and in respect of the United States of America, the period July 1 to June 30.

6. "Domestic requirements" means all use of wheat and flour during any crop-year within the territories of each contracting Government for human and animal consumption, for industrial purposes, and for seed, and waste.

7. "Equivalent", with reference to the measurement of flour in terms of wheat, means a quantity calculated in the ratio of such number of pounds of flour to 100 pounds of wheat as the Council shall determine.

8. "Executive Committee" means the Executive Committee established by the International Wheat Council under Article VIII.

9. "Exporting country" means Argentina, Australia, Canada, the United States of America or any country that may accede as such to the Agreement under Article XIV.

10. "Export quota" means basic export quota together with any secondary or supplementary export quota allocated under Article IV.

11. "Extraordinary use" means use which the Council is satisfied would not have taken place but for the governmental measures referred to in paragraph 6 of Article III.

12. "Gross exports" means the total quantity of wheat, including flour expressed in terms of its wheat equivalent, shipped from the territories of any Government, except that in the case of Canada "gross exports" means the overseas clearances of Canadian wheat from seaboard ports in Canada and the United States of America, plus imports of wheat from Canada into the United States of America for consumption and for milling in bond, plus flour expressed in terms of its wheat equivalent shipped from Canadian territories.

13. "Gross imports" means the total quantity of wheat, including flour expressed in terms of its wheat equivalent, imported into the territories of any Government.

14. "Importing country" means the United Kingdom or any country that may accede as such to the Agreement under Article XIV.

15. "Net exports" means gross exports minus gross imports.

16. "Net imports" means gross imports minus gross exports.

17. "New crop" means wheat harvested not more than two months prior to the beginning of the current crop-year.

18. "Old wheat" means wheat harvested more than two months prior to the beginning of the current crop-year.

19. "Quota-year" means the period ending July 31 following the date upon which the Agreement comes into force and thereafter the period from August 1 to July 31.

20. "Seaboard port" means any sea or river port at which a sea-going ship of 6000 tons gross can load.

21. "Shipped" means transported in any manner.

22. "Territories" means territory, or group of territories, to which the rights and obligations of the Agreement apply in accordance with the provisions of Article XVI.

23. "The beginning of the seeding period for the next harvest" means in respect of Argentina, May 1; in respect of Australia and Canada, April 1; and in respect of the United States of America, September 1.

24. "Total volume of international trade in wheat and flour" means the aggregate of the net export from each country of the world.

25. "Wheat Advisory Committee" means the Committee established under the Final Act of the Conference of Wheat Exporting and Importing Countries held in London at the Offices of the High Commissioner for Canada, from August 21 to 25, 1933.⁷

26. "Yield" means quantity of production per unit of sown area.

MINUTES OF THE FINAL SESSION OF THE WASHINGTON WHEAT MEETING

The officials of the five countries participating in the Washington Wheat Meeting record as follows their understanding regarding certain provisions of the Memorandum of Agreement entered into pursuant to that Meeting:

1. The arrangements referred to in paragraph 4 of the Memorandum, relating to the relief pool of wheat and to the control of production, mean the following provisions of the Draft Convention attached thereto: paragraph 3 of Article II (Production Control), Articles VI (Relief Pool), VII (The Council) except paragraph 6, X (Finance), XVII (Definitions) and, should the Council at any time so decide, Article VIII (The Executive Committee).

2. The arrangements referred to in paragraph 5 of the Memorandum, relating to the control of production, stocks and exports and to the administration thereof, mean the following provisions of the Draft Convention, in addition to Articles VII (except paragraph 6), VIII, X and XVII referred to above: paragraphs 1 and 2 of Article II (Production Control), Article III (Stocks), Article IV (Export Control) except the provisions of paragraphs 10 and 12 relating to the obligations of importing countries since those provisions are not regarded as essential to the interim measures contemplated in the Memorandum, Article IX (Reports To The Council) and Article XVI (Territories).

3. The words "cessation of hostilities" in the Memorandum mean the earliest date at which none of the five countries is engaged in substantial belligerent operations.

4. The words "arrangements described in the attached Draft Convention" in paragraph 6 of the Memorandum mean the provisions of Article V of the Draft Convention.

5. The words "equivalent f.o.b. prices" which will be calculated for wheats of the other exporting countries under paragraph 6 of the Memorandum mean the prices of Argentine, Australian and United States wheats which will be ascertained by the unanimous vote of the Council as equivalent to the last price negotiated by the United Kingdom for a bulk purchase of wheat from Canada.

⁷ *Ante*, p. 123.

6. The seat of the Council will be in Washington during the period in which the Memorandum of Agreement is in force, unless the Council should otherwise determine.

7. The Minutes of the Washington Wheat Meeting, together with the Reports of its Committees, will be available for the information of the Council during the period in which the Memorandum of Agreement is in force.

8. The English texts of the Memorandum of Agreement and of the present Minutes have been initialled by Anselmo M. Viacava, Edwin McCarthy, Charles F. Wilson, Harold F. Carlill, and Leslie A. Wheeler, officials of Argentina, Australia, Canada, the United Kingdom and the United States respectively, as competent experts in a position to reflect the views of their respective Governments. The Memorandum, the Draft Convention and the present Minutes will be transmitted in English and Spanish by the Government of the United States to the other four Governments for their approval. So soon as the approval of the five Governments has been notified to each of them the provisions of the Memorandum of Agreement will be deemed to come into effect and the Memorandum of Agreement together with the Draft Convention attached thereto and the present Minutes will be made public.

For Argentina
A. M. V.

For the United Kingdom
H. F. C.

For Australia
E. McC.

For the United States
L. A. W.

For Canada
C. F. W.

WASHINGTON,
April 22, 1942.

[For notes of approval and notification of entry into force, see 57 Stat. 1399 or p. 20 of EAS 384.]

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol signed at London July 22, 1942, prolonging agreement of
May 6, 1937*¹

Entered into force July 22, 1942

Proclaimed by the President of the United States April 20, 1945

59 Stat. 949; Treaty Series 990

PROTOCOL TO ENFORCE AND TO PROLONG AFTER AUGUST 31, 1942, THE INTERNATIONAL AGREEMENT REGARDING THE REGULATION OF PRODUCTION AND MARKETING OF SUGAR, SIGNED IN LONDON ON MAY 6, 1937

Whereas an Agreement regarding the Regulation of Production and Marketing of Sugar (hereafter referred to as the Agreement) was signed in London on the 6th May, 1937;² and

Whereas Article 48 of the Agreement provides as follows:

“(a) The present Agreement shall come into force on the 1st September, 1937, if at that date it has been ratified by all the signatory Governments;

“(b) If by the above-mentioned date the instruments of ratification of all the signatories have not been deposited, the Governments which have ratified the Agreement may decide to put it into force among themselves”; and

Whereas the ratifications of all the signatories were not deposited by the 1st September, 1937; and

Whereas the Agreement has been ratified by the Governments of the following countries:

Union of South Africa,
Commonwealth of Australia,
Brazil,
Belgium,
United Kingdom of Great Britain
and Northern Ireland,
Cuba,
Czechoslovakia,
Dominican Republic,
Germany,

Haiti,
Hungary,
India,
Netherlands,
Peru,
Poland,
Portugal,
Union of Soviet Socialist
Republics,
United States of America; and

¹ The sugar agreement was further prolonged, with the exception of chapters III, IV, and V, by a protocol of Aug. 31, 1944 (TS 990, *post*, p. 899).

² TS 990, *ante*, p. 388.

Whereas it seems desirable that the said Agreement should be put in force between those Governments which have ratified it,

Now, therefore, the undersigned being duly authorised by their respective Governments have agreed as follows:

ARTICLE 1

The Agreement shall be regarded as having come into force in respect of the Governments signatories of the present Protocol, on the 1st September, 1937.

ARTICLE 2

After the 31st August, 1942, the Agreement shall continue in force among the said Governments for a period of two years from that date.

ARTICLE 3

The present Protocol shall bear this day's date and shall remain open for signature until the 31st August, 1942. It shall take effect in respect of each signatory Government on the date of signature.

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

Done in London on the 22nd day of July, 1942, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be furnished to the signatory Governments.

For the Government of the Union of
South Africa:
SIDNEY F. WATERTON

For the Government of the Common-
wealth of Australia:
S. M. BRUCE

For the Government of Brazil:
J. C. DE ALENCAR NETTO

For the Government of Belgium:
P. KRUNACKER

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
ANTHONY EDEN

For the Government of the Republic of
Cuba:
G. DE BLANCK

For the Government of Czechoslovakia:
V. JANSÁ

For the Government of the Dominican
Republic:
R. PÉREZ-ALFONSECA

For the Government of Haiti:
JOHN G. WINANT

For the Government of the Netherlands:
E. MICHIELS V. VERDUYNEN

For the Government of Peru:
E. LETTS S.

For the Government of Portugal:
ARMINDO MONTEIRO

For the Government of the Union of
Soviet Socialist Republics:
J. MAISKY

For the Government of the United
States of America:
JOHN G. WINANT

(In respect of the Commonwealth of
the Philippines):
JOHN G. WINANT

WARTIME SUPPLIES FOR SOVIET UNION

*Washington protocol (second protocol) signed at Washington
October 6, 1942, with annexes*

Operative July 1, 1942, to June 30, 1943

*Replaced by London protocol (third protocol) of October 19, 1943*¹

Department of State, *Soviet Supply Protocols* (U.S. Government Printing Office, 1947), p. 13

SECOND PROTOCOL

The Government of the United States of America and the Government of the United Kingdom, desiring to continue their policy of full cooperation with the Government of the Union of Soviet Socialist Republics in the prosecution of the war against aggression,² and in such cooperation to provide the Soviet Union with the maximum assistance possible in the form of military supplies, raw materials, equipment and food, hereby in conjunction with the Government of the Union of Soviet Socialist Republics declare:

ARTICLE I

The signatory Governments formally adopt as a Second Protocol the "Proposed Second Protocol between the Union of Soviet Socialist Republics and the United States and Great Britain covering the period of July 1, 1942 to June 30, 1943", as transmitted by the President of the United States with the concurrence of the Prime Minister of the United Kingdom to the Vice President of the Council of People's Commissars and People's Commissar for Foreign Affairs of the Union of Soviet Socialist Republics on May 29, 1942, a copy of which Proposed Second Protocol is hereto appended and marked "Annex I", and accepted on behalf of the Soviet Government by identic notes dated July 7, 1942 addressed by the Ambassador of the Union of Soviet Socialist Republics in Washington to the Secretary of State of the United States and by the Ambassador of the Union of Soviet Socialist Republics in London to His Majesty's Principal Secretary of State for Foreign Affairs, a copy of which is appended hereto and marked "Annex II", and which Pro-

¹ *Post*, p. 785.

² For text of Moscow protocol (first protocol) signed Oct. 2, 1941, see *ante*, p. 688.

posed Second Protocol the signatory Governments have regarded as in effect since July 1, 1942.

ARTICLE II

The appropriate representatives of the three signatory Governments will continue with the formulation of detailed procurement and supply programs as contemplated in the Proposed Second Protocol with a view to their early completion and will make from time to time such adjustments and clarifications as may become necessary.

ARTICLE III

The Government of the United States and the Government of the United Kingdom have examined the requests of the Soviet Government with regard to supplies of aircraft, aluminum, cobalt and nickel beyond those provided in the Proposed Second Protocol, as expressed in paragraphs a, b, and c of Annex II appended hereto. The decisions so far reached by the competent authorities in regard to these requests are embodied in Annex III to this Protocol.

WASHINGTON
October 6, 1942.

SUMNER WELLES
R. I. CAMPBELL
MAXIM LITVINOFF

Annexes
I, II and III

ANNEX I

President Roosevelt to Commissar Molotov

THE WHITE HOUSE
WASHINGTON

May 29, 1942

MY DEAR MR. MINISTER:

The heroic contribution of the Union of Soviet Socialist Republics to the common cause of civilization will forever be an inspiration to all free peoples. Your presence in the United States is a symbol of the unity of our cause and of our purpose.

The governments of the United States and of Great Britain desire further to cooperate with your nation in its valiant effort. In cooperation with the people of the Union of Soviet Socialist Republics and of the other United Nations, we are determined to eradicate for all time those forces which may at any time threaten the future peace of the world. We are most anxious to provide the maximum assistance possible in the form of military supplies, raw materials, equipment and food.

With the concurrence of the Prime Minister of Great Britain, I have the honor to submit to you herewith a statement of the resources our governments

are in a position to make available to the Union of Soviet Socialist Republics for the year July 1, 1942 to June 30, 1943.

Cordially and sincerely,

FRANKLIN D. ROOSEVELT

His Excellency

VYACHESLAV MOLOTOV,

*Premier and Commissar for Foreign Affairs
of the Union of Soviet Socialist Republics.*

*Proposed Second Protocol Between The Union of Soviet Socialist Republics
and The United States and Great Britain Covering the Period July 1, 1942
to June 30, 1943*

1. The Governments of the United States and the United Kingdom have been giving the most serious consideration to the munitions of war which we can make available to the Soviet Government during the coming year. In addition to possible limitations due to the shortage of ships, the controlling factor by the northern route is the quantity of shipping that can be escorted to ports of discharge. The limiting factor by the southern route is inland transportation from Persian Gulf ports.

2. Our respective Governments will make available for despatch from the ports of the United States, United Kingdom and other countries during the period 1st July, 1942 to 30th June, 1943, approximately 3,300,000 short tons to the northern ports and 1,100,000 short tons to the Persian Gulf ports. In the circumstances mentioned in paragraph 1, it is our opinion that this is the highest practicable export programme from all sources at which we can now aim. Within the limits imposed from time to time by the factors mentioned, we will supply the shipping necessary to lift that part of this program for which U.S.S.R. ships cannot be made available.

3. The schedule of stores which the United States can make available has been drawn up in the light of the programme of requirements as submitted to the United States Government by the U.S.S.R. The schedule of stores offered by the United Kingdom has been drawn up on the assumption that Russia desires to continue to receive supplies on the scale agreed at the Moscow Conference. The stores listed in these two schedules amount to approximately 8,000,000 short tons.

4. It will be necessary for the Soviet Government to select from these schedules a programme of particular supplies and munitions of war for procurement and despatch, which will come within the amounts mentioned in paragraph 2. This programme should include all cargoes to be transported after 1st July, 1942, including protocol and non-protocol items either already on order or to be ordered.

5. It is to be understood this programme is subject to variations to meet unforeseen developments in the progress of the war. But you may be sure that every effort will be made to deliver the particular supplies which you designate.

6. The United States will be pleased to extend financial arrangements to cover its part of the proposed new protocol and all adjustments thereof. The United Kingdom financial arrangements will continue as at present, i. e. cash-credit agreement of 16th August, 1941, to cover civil supplies and Lend-Lease agreement now under negotiation to cover war-like supplies, the terms of which have been agreed in principle.

7. We, of course, stand ready through appropriate officials to discuss with your representatives in Washington all detailed questions pertaining to the schedules listed below and any reasonable adjustments that may be desired.

8. Above all, we want to assure you that we have a full understanding of the vital importance of your front and the urgent necessities of moving supplies to it in the highest possible volume and in the shortest space of time.

9. With this in mind, we shall be glad to review the programme from time to time to see if increased quantities of munitions can be provided and delivered.

SCHEDULE OF UNITED STATES STORES

The United States government undertakes to make available to the Union of Soviet Socialist Republics the following schedule of stores aggregating some 7,000,000 short tons valued at three billion dollars, of which there are 1,110,000 tons of military and naval equipment, armament and ammunition valued at two billion dollars, 1,800,000 tons of materials, machinery and industrial equipment worth four hundred million dollars and 4,300,000 tons of food products worth six hundred million dollars.

The following schedule has been prepared on the basis that any balances which may be due from the existing Protocol after June 30, 1942, are included, as well as all articles contained in the new Protocol for which requisitions have been previously approved with delivery scheduled after June 30, 1942. The schedules indicate availability at centers of production.

In the schedule, the item numbers and major classifications correspond to those in the U.S.S.R. Program of Requirements, submitted April 2, 1942. For certain items the amounts to be made available are indicated as combined offerings of the United States and the United Kingdom and appear as a combined figure in the schedules of both governments.

Group I. Armament and Military Equipment

Item 1.—Airplanes

Amount requested: 4,200

Airplanes will be supplied through October 1942 at an average rate of 100 pursuits, 100 light bombers, and 12 medium bombers per month. Commitments will be made for the balance of the year on the basis of developments incident to the progress of the war.

Item 2.—Tanks with Armament

Amount requested: 5,250

7,500 tanks with armament: First six months, 1,572 light and 1,428 medium tanks; second six months, 2,250 light and 2,250 medium tanks; all as nearly as possible in equal monthly installments.

Item 3.—Antiaircraft Guns, 90MM.

Amount requested: 204

204 90mm. antiaircraft guns, complete with ammunition, made available at the following rate: 8 per month for first quarter; 16 per month for second quarter; 20 per month for third quarter; 24 per month for fourth quarter. Auxiliary equipment will be provided in the same proportion as is made available to United States troops.

Items 4 and 6.—Antiaircraft Guns, 37MM., 45MM., 12.7-20MM.

Amount requested: 3,000—37mm. and 45mm.

360—12.7-20mm.

3,360 substitute units, 37mm., or twin 20mm. on self-propelled mount without director; to be furnished at following successive quarterly rates: 300, 720, 1020, 1320.

Item 5.—Anti-Tank Guns, 50-57MM. Complete With Ammunition

Amount requested: 2,100

1,900 57mm. at rate of 200 per month during period October through May, and 300 for June.

Items 7 and 8.—Machine Guns, Complete With Ammunition, .38 Cal. and Thompson Sub-Machine Guns. 45 Cal.

Amount requested: 120,000—.38 cal.

127,878—.45 cal.

240,000 at rate of 20,000 per month. No. .38 cal. in production.

NOTE. Ammunition for all weapons will be supplied in the same proportion as for United States troops, and, if practicable, in an amount equal to the accuracy life of weapons.

An effort will be made to provide spare parts as follows:

Spare engines	20 per cent
Spare propellers	20 per cent
Airplane spare parts	20 per cent of cost of plane
Engine spare parts	15 per cent of cost of engine
Propellor spare parts	15 percent of cost of propellor
Tank parts	1 year maintenance
Trucks	10 per cent of cost
Guns	6 months maintenance

Actual spare parts furnished will conform to a spare parts list which is based on experience.

Spare part production is lagging in the United States; and if actual deliveries are below the rates stated above, they will be made in the same proportion as for United States troops.

Item 9.—Scout Cars

Amount requested: 24,000

6,000 scout cars at rate of 500 per month and 18,000 jeeps at rate of 1,500 per month.

Item 10.—Trucks

Amount requested: 120,000

120,000 trucks at rate of 10,000 per month.

Item 11.—Field Telephones

Amount requested: 144,000

144,000 field telephones at rate of 12,000 per month, of which one-half will be sound powered.

Item 12.—Field Telephone Wire

Amount requested: 1,200,000 Km.

480,000 Km. of field telephone wire at 40,000 Km. per month.

Item 13.—Toluol and TNT

Amount requested: 36,000 short tons—Toluol
24,000 short tons—TNT

24,000 tons of toluol at rate of 2,000 tons per month and 24,000 tons of TNT at rate of 2,000 tons per month.

Item 14.—Nitroglycerin or Other Powder

Amount requested: 36,000 tons

Type and amount to be made available are subject to further negotiation.

Item 15.—Stereoscopic Observation Instruments for Artillery

Amount requested: 1,200 in 100 units

Not available.

Item 16.—Military Field Glasses

Amount requested: 3,000

Not available.

Item 17.—Motorcycles

Amount requested: 36,000

10,500 motorcycles, at rate of 500 per month July through September, and 1,000 per month thereafter.

Item 18.—Prime Movers for Artillery

Amount requested: 7,200

2,400 prime movers for artillery at rate of 200 per month, of which a part will have slow speed transmissions.

Item 19.—Toboggans (Motor Sleds)

Amount requested: 2 400

2,000 toboggans at rate of 200 per month September through June.

Item 20.—Radio Sets of Various Types

Amount requested: 12,000 units

11,500 radio sets of various types. Specific types are to be negotiated and to be made available at the following rates:

100 in July

1,100 in August and September

2,350 in October

2,475 in November

1,225 in December

525 each month from January to June, 1943.

Item 21.—Radio Locators of Various Types

Amount requested: 1,000

None available at this time. Type under development.

Item 22.—Radio Locators for Installation in Aircraft

Amount requested: 2,500

None available at this time. Type under development.

Item 23.—Radio Tubes

Amount requested: 2,000,000

2,000,000 radio tubes to be furnished on schedules to be arranged.

Item 24.—Generators, Gas-Driven

Amount requested: 10,000

10,000 gas driven generators to be furnished on schedules to be arranged.

To be supplied without tents.

Item 25.—Absolute Radio Altimeters

Amount requested: 2,500

No absolute radio altimeters available.

Item 26.—Radio Beacon, Blind Landing Equipment, and Homing Devices

Amount requested: 250 sets

None available.

Item 27.—Radio Direction Finders (Various Types)

Amount requested: 250 sets

150 sets of radio direction finders at rate of 50 per month November through January.

Item 28.—Measuring and Test Equipment

Amount requested: \$1,000,000 worth

\$1,000,000 worth of measuring and test equipment on schedules to be arranged.

Item 29.—Radio Repair Trucks for Field Use

Amount requested: 250 units

No radio repair trucks available.

Item 30.—Dry Cells for Field Telephones

Amount requested: 1,500,000

1,500,000 dry cells for field telephones on schedules to be arranged.

Item 31.—Dry Cell Batteries for Use With Radio Equipment

Amount requested: 400,000

400,000 dry cell batteries for use with radio equipment, on schedules to be arranged.

Item 32.—Radio Components, Parts and Accessories

Amount requested: \$500,000 worth

\$500,000 worth of radio component parts and accessories for maintenance and repairs to be furnished on schedules to be arranged.

Item 33.—Field Repair Shop, Light, for Tanks and Trucks

Amount requested: 100 units

No light field repair shop for tanks and truck available.

Item 34.—Field Repair Shop for Brigade Tank Division

Amount requested: 120 units

90 units of field repair shops, each consisting of approximately 12 trucks, at rate of 10 units per month, October through June.

Group II. Various Material, Machinery & Industrial Equipment

Item 1.—Marine Cable

Amount requested: 1,200 Km.

1,200 Km. in equal monthly installments.

Item 2.—Submarine Cable

Amount requested: 600 Km.

600 Km. in equal monthly installments.

Item 3.—Aluminum Ingots

Amount requested: 48,000 short tons

24,000 long tons in equal monthly installments.

Duraluminum

Amount requested: 18,000 short tons

6,000 long tons in equal monthly installments.

Item 4.—Nickel

Amount requested: 9,600 short tons

Combined United Kingdom and United States at rate of 600 short tons per month for first six months; subject to review for second six months. This amount includes nickel in all forms to be made available, including alloys with steel, nichrome wire, and other materials requiring nickel in the specifications, except finished munitions.

Item 5.—Molybdenum

Amount requested: 9,600 short tons

4,000 short tons in equal monthly installments.

Item 6.—Copper Electrolytic, Copper Reserve

Amount requested: 36,000 short tons

7,500 short tons

Combined United Kingdom and United States, 120,000 long tons in equal monthly installments. This includes copper in all forms, including refinery shapes, brass and wire mill products, copper base alloys and copper content of finished products other than ammunition.

Item 7.—Rolled Copper (Cartridge Brass, Etc.)

Amount requested: 102,000 short tons

102,000 short tons in equal monthly installments, subject to copper limitations indicated in Item 6.

Item 8.—Magnesium Alloys

Amount requested: 3,600 short tons

None available.

Item 9.—Zinc, High-Grade

Amount requested: 12,000 short tons

18,000 short tons in equal monthly installments, combined United Kingdom and United States.

Item 10.—Bimetal

Amount requested: 36,000 short tons

12,000 short tons in equal monthly installments, subject to copper limitation indicated in Item 6. Bimetal of types used for thermostats is unavailable.

Item 11.—Copper Goods and Tubes

Amount requested: 15,000 short tons

15,000 short tons in equal monthly installments, subject to copper limitation indicated in Item 6 above.

Item 12.—Ferrosilicon

Amount requested: 9,600 long tons

Combined United Kingdom and United States, 12,000 long tons in equal monthly installments.

Item 13.—Ferrochrome

Amount requested: 9,600 long tons

Combined United Kingdom and United States, 7,200 long tons in equal monthly installments.

Item 14.—Armor Plate

Amount requested: 48,000 long tons

12,000 long tons in equal monthly installments, provided types desired are available. Subject to nickel limitation indicated in Item 4.

Item 15.—Hard Alloys & Cutting Tools

Amount requested: \$9,000,000

\$9,000,000 worth to be furnished on schedules to be arranged. Subject to nickel limitation indicated in Item 4.

NOTE. Items 16–34 inclusive, as listed below, can be made available tentatively, but are all subject to specifications and sizes available in the United States and subject to nickel limitation indicated in Item 4.

Item 16.—Cold Drawn Steel Drill Rods

Amount requested: 960 long tons

120 long tons in equal monthly installments.

Item 17.—High Speed Steel

Amount requested: 6,000 long tons.

3,000 long tons in equal monthly installments.

Item 18.—Tool Steel

Amount requested: 24,000 long tons

10,200 long tons in equal monthly installments.

Item 19.—Cold Drawn Carbon & Alloy Steel Rods & Bars & Aircraft Steel

Amount requested: 168,000 long tons.

129,000 long tons in equal monthly installments.

Item 20.—Hot Rolled Steel (Carbon Alloy & Aircraft)

Amount requested: 150,000 long tons

96,000 long tons in equal monthly installments.

Item 21.—Chrome-Manganese Silicon Steel Billets

Amount requested: 120,000 long tons

84,000 long tons in equal monthly installments.

Item 22.—Cold Rolled Steel Sheet

Amount requested: 96,000 long tons

84,000 long tons in equal monthly installments.

Item 22-a.—Cold Rolled Steel Strip

Amount requested: 96,000 long tons

84,000 long tons in equal monthly installments.

Item 23.—Stainless Steel

Amount requested: 10,800 long tons
3,000 long tons in equal monthly installments.

Item 24.—Tinplate

Amount requested: 60,000 long tons
60,000 long tons in equal monthly installments.

Item 25.—Steel Wire

Amount requested: 96,000 long tons
55,920 long tons in equal monthly installments.

Item 26.—Steel Wire Rope

Amount required: 24,000 long tons
14,400 long tons in equal monthly installments.

Item 27.—Steel Alloy Tubes

Amount requested: 36,000 long tons
21,600 long tons in equal monthly installments.

Item 28.—Stainless Steel Wire

Amount requested: 1,200 long tons
360 long tons in equal monthly installments.

Item 29.—Special Alloy Wire

Amount requested: 240 long tons
240 long tons in equal monthly installments.

Item 30.—Nickel Chrome Wire

Amount requested: 480 long tons
480 long tons in equal monthly installments.

Item 31.—Barbed Wire and Staples

Amount requested: 60,000 long tons
50,400 long tons in equal monthly installments.

Item 32.—Steel Tubes

Amount requested: 350,000 long tons
252,000 long tons in equal monthly installments.

Item 33.—Hot Rolled Steel & Plates Under $\frac{5}{8}$ " Thick & Under 72" Wide

Amount requested: 120,000 long tons.
96,000 long tons in equal monthly installments.

Item 34.—Bolts, Nuts, etc.

Amount requested: 12,000 long tons
12,000 long tons in equal monthly installments.

Item 35.—Other Metals and Steel Products

Amount requested: \$10,000,000
Fulfillment depends upon specifications.

Item 36.—Phenol

Amount requested: 18,000 short tons
12,000 short tons in equal monthly installments.

Item 37.—Petroleum Products

Amount requested: 240,000 short tons
240,000 short tons in equal monthly installments.
Types and schedules to be arranged.

Item 38.—Ethylene Glycol

Amount requested: 2,400 short tons
2,400 short tons in equal monthly installments.

Item 39.—Sodium Bromide

Amount requested: 2,400 short tons
1,800 short tons in equal monthly installments.

Item 40.—Phosphorus

Amount requested: 2,400 short tons
2,400 short tons in equal monthly installments.

Item 41.—Dibutyl Phthalate

Amount requested: 3,600 short tons
3,600 short tons in equal monthly installments.

- Item 42.—Dimethylaniline
Amount requested: 3,600 short tons
3,000 short tons in equal monthly installments.
- Item 43.—Diphenylamine
Amount requested: 3,600 short tons
1,800 short tons in equal monthly installments.
- Item 44.—Colloxylin
Amount requested: 4,800 short tons
4,800 short tons in equal monthly installments.
- Item 45.—Methanol
Amount requested: 12,000 short tons
12,000 short tons in equal monthly installments.
- Item 46.—Urotropine
Amount requested: 7,200 short tons
4,600 short tons; 300 in July and August, and 400 per month thereafter.
- Item 47.—Hexagen
Amount requested: 6,000 short tons
None available.
- Item 48.—Ammonia Chloride
Amount requested: 4,800 short tons
4,800 short tons in equal monthly installments.
- Item 49.—Mercury (Metallic)
Amount requested: 300 short tons
300 short tons in equal monthly installments.
- Item 50.—Potassium Nitrate
Amount requested: 3,600 short tons
3,600 short tons in equal monthly installments.
- Item 51.—Ammonium Cyanide
Amount requested: 3 short tons
3 short tons in equal monthly installments.
- Item 52.—Centralite
Amount requested: 600 short tons
600 short tons in equal monthly installments.
- Item 53.—Resarin (Resorcinol)
Amount requested: 120 short tons
120 short tons in equal monthly installments.
- Item 54.—Barium Peroxide
Amount requested: 300 short tons
300 short tons in equal monthly installments.
- Item 55.—Strontium (S. Oxilate)
Amount requested: 96 short tons
96 short tons in equal monthly installments.
- Item 56.—Rodalite (Rhodamine B)
Amount requested: 6 short tons
6 short tons in equal monthly installments.
- Item 57.—Thorium (T. Nitrate)
Amount requested: 3 short tons
3 short tons in equal monthly installments.
- Item 58.—Cerium (C. Chloride)
Amount requested: 18 short tons
18 short tons in equal monthly installments.
- Item 59.—Cresol
Amount requested: 1,200 short tons
1,200 short tons in equal monthly installments.
- Item 60.—Potassium Sulphate
Amount requested: 1,800 short tons
1,800 short tons in equal monthly installments.

Item 61.—Anthracene

Amount requested: 3,600 short tons

None available.

Items 62, 63, 64, 65, and 68^{3 4}

Machine tools: Amount requested: 21,000 each.

Electric Furnaces: Amount requested: 600 each.

Forging Presses & Hammers: Amount requested: \$48,000,000 worth.

Various Industrial Equipment: Amount requested: \$36,000,000 worth.

Graphite Electrodes: Amount requested: 6,000 long tons.

Item 66.—Industrial Diamonds

Amount requested: \$1,800,000 worth.

None available in the United States.

Item 67.—Abrasives

Amount requested: \$6,000,000 worth.

\$3,600,000 worth in equal monthly installments.

Item 69.—Bearings

Amount requested: 8,500,000.

Supply depends upon specific sizes.

Item 70.—Balls and Rollers

Amount requested: 28,000,000.

28,000,000 in equal monthly installments, provided sizes are spread generally through the range of American production.

Item 71.—Sole Leather

Amount requested: 18,000 short tons.

No sole leather available except as included in finished shoes.

Item 72.—Army Boots

Amount requested: 4,800,000 pairs.

2,400,000 pairs of army shoes at rate of 200,000 pairs per month.

Item 73.—Army Cloth

Amount requested: 18,000,000 yards.

18,000,000 yards of army cloth at monthly rate of 1,500,000 yards, in ratio of 60 per cent for overcoating and 40 per cent for suiting.

³ NOTE: Will be made available in quantities totaling an aggregate value of 150 million dollars, the amount and type of the specific items to be arranged at the earliest possible date and subject to limitations on copper and nickel. [Footnote in original.]

⁴ The following letter, dated July 7, 1942, from W. L. Batt, Chairman of the Requirements Committee, to Maj. Gen. A. I. Belyaev, Chairman of the Soviet Purchasing Commission, explains the Item 68.

"DEAR GENERAL BELYAEV:

"I wish to call your attention to an error in the proposed second Protocol. Under Group II, Item 68 has been incorporated with Items 62, 63, 64, and 65, with the qualifying statement that within a specified aggregate value the quantity and types of the specific items will be arranged at an early date, subject to limitations on copper and nickel. Item 68 refers to graphite electrodes, which, of course, contain neither copper nor nickel.

"Item 68—Graphite Electrodes should not have been included with these other items and its inclusion in this place was the result of a clerical error. Actually, it was our intention to offer a total of 4800 long tons of graphite electrodes to be made available during the twelve months' period of the Protocol in equal monthly installments. I wish you would therefore make a corresponding change in the program as presented to you and notify the members of your Commission concerned with this subject.

"Sincerely yours,

W. L. BATT
Chairman"

Item 74.—Electrical Power Cables

Amount requested: 12,000 Km.

12,000 Km. in equal monthly installments, subject to copper limitation indicated in Item 6.

Item 75.—Webbing

Amount requested: 36,000,000 yards.

36,000,000 yards of tubular type webbing at 3,000,000 yards per month. No other type available.

Item 76.—Tarpaulin

Amount requested: 24,000,000 yards.

None available.

Item 77.—Vistanex (Molecular Wt. 60)

Amount requested: 300 short tons.

None available until the spring of 1943. The amount available will depend upon the development of the U.S. synthetic rubber program.

Item 78.—Tires and Tubes.

Amount requested: 1,800,000 sets.

Combined United Kingdom and United States, 36,000 long tons of rubber in all forms, including tires and tubes, in equal monthly installments; in addition, 2,000 long tons per month from Ceylon as long as that source is open.

Item 79.—High Pressure Hose:

Amount requested: 1,000,000 meters.

Item 80.—Sheet Fiber:

Amount requested: 3,600 tons.

Item 81.—Shock Absorber Cord:

Amount requested: 60,000 meters.

No commitments can be made until further specifications are received.

Item 82.—Metallic Cloth and Screen

Amount requested: 1,000,000 square meters.

1,000,000 square meters in equal monthly installments, subject to copper limitations as stated in Item 6.

Item 83.—Condensor Paper (Radio)

Amount requested: 240 short tons

240 short tons in equal monthly installments.

Item 84.—Miscellaneous Emergency Material

Amount requested: \$60,000,000 worth

Depends upon further specifications.

Group III. Equipment and Materials for Specific Industries

A. Equipment and Materials for Railroads

Under this category the U.S.S.R. have requested 21 general items and 55 specific items. With the exceptions of the items set forth below, the items requested include large amounts of critical materials and critically scarce tools, cranes and other heavy machinery. It may be possible to supply a few units of some of the items upon receipt of specifications as to sizes and types. No commitment or recommendation can be made at this time, except as follows:

	<i>Requested</i>	<i>Recommended</i>
Rails	240,000 long tons	216,000 long tons
Wheels	36,000 sets	12,000 sets
Axles	60,000 units	54,000 units

It is believed that the foregoing can be made available in equal monthly installments at one-twelfth of the annual rate. For a list of all items see *Program of Requirements* submitted by the U.S.S.R.

B. Equipment and Materials for Iron and Steel Industry

Under this category the U.S.S.R. have requested 191 items for blast and open hearth furnaces, Bessemer converters, coke oven batteries, rolling mills, turbo generator units,

boiler installations, and turbo blowers. The value of the requests has been estimated by the U.S.S.R. at \$180,000,000 as opposed to a U.S. estimate of approximately \$1,000,000,000. The requested equipment approximately duplicates that required for the American steel expansion program now under way.

Production of any substantial part of the request could not be effected without abandoning our own steel expansion program. Consequently, the requests cannot be filled. For a list of individual items see *Program of Requirements* submitted by the U.S.S.R.

C. Equipment for Petroleum Industry⁵

Under this category the U.S.S.R. have requested 10,000 tons of steel pipe and 16 items of drilling equipment and fittings. Many of the items requested are critical factors in the expansion of 100 octane and synthetic rubber production in the United States. The Petroleum Coordinator recommends that the requests not be fulfilled. For a list of all items see *Program of Requirements* submitted by the U.S.S.R. Certain items which will not interfere with the 100 octane and synthetic rubber programs may be made available upon receipt of definite specifications. Some used refining equipment in good condition is available.

Group IV. Food Products

Item 1.—Wheat and Flour

Amount requested: 2,400,000 tons
2,400,000 tons in equal monthly installments.

Item 2.—Sugar

Amount requested: 840,000 tons
840,000 tons in equal monthly installments.

Item 3.—Canned Meat Products

Amount requested: 120,000 tons
120,000 tons in equal monthly installments.

Item 4.—Meat

Amount requested: 180,000 tons
180,000 tons in equal monthly installments.

Item 5.—Lard

Amount requested: 144,000 tons
144,000 tons in equal monthly installments.

Item 6.—Vegetable Oil

Amount requested: 120,000 tons
120,000 tons in equal monthly installments.

Item 7.—Soap Stock

Amount requested: 60,000 tons
60,000 tons in equal monthly installments.

Group V. Medical Supplies

Amount requested: \$13,813,966 worth

Approximately \$12,000,000 worth of medical supplies in approximately equal monthly installments and substantially in accordance with request but with the understanding that items and quantities thereof must be arranged with appropriate United States Agency.

⁵ At the request of Mr. W. D. Crampton, official of the Office of Petroleum Coordinator, a letter was sent to General Belyaev on Sept. 9, 1942 correcting paragraph C as follows:

"Under this category, the U.S.S.R. has requested 10,000 tons of steel pipe and 16 items of drilling equipment and fittings. We will supply you with this material upon agreement of definite specifications permitting the procurement of the material." [Footnote in original.]

[Group VI.] *Naval Stores*

In addition to the above listed items requested by the Government of the U.S.S.R., the Government of the United States undertakes to make available certain diesel engines, gasoline engines, storage batteries for submarines, guns and ammunition to arm U.S.S.R. merchant vessels and mine sweepers or patrol craft.

These items can be made available at the following rates:

Diesel Engines

506 diesel engines, varying from 170 to 1600 horsepower in the following quantities: 122 of 170 HP; 200 of 250 HP; 48 of 600 HP; 130 of 1200 HP; 6 of 1600 HP.

These diesel engines can be made available at the following rates:

June	4	January, 1943	46
July	16	February	46
August	20	March	51
September	24	April	51
October	44	May	56
November	46	June	56
December	46		

Gasoline Engines

2,170 gasoline engines from 50 to 1200 HP in the following quantities: 1500 of 50-120 HP; 120 of 900 HP; 550 of 1200 HP.

These gasoline engines can be made available at the following rate:

July	100	January 1943	215
August	150	February	215
September	150	March	215
October	150	April	220
November	150	May	220
December	165	June	220

Storage Batteries for Submarines

12 storage batteries for submarines at the rate of one per month.

Naval Armament and Ammunition

Sufficient guns and ammunition can be made available to arm U.S.S.R. merchant vessels with one 3-inch double purpose gun and two machine guns together with ammunition, as such ships become available for arming.

Mine Sweepers or Patrol Craft

10 mine sweepers or patrol craft can be delivered during April, May and June, 1943.

[Group VII.] *Electric Power Generating Equipment*

The Government of the United States further undertakes to make available stationary and mobile power generating equipment of types to be arranged. Some used power generating equipment in good condition is available at the present time.

UNITED KINGDOM SCHEDULE OF STORES

The United Kingdom Government undertakes to make available to the Union of Soviet Socialist Republics the following schedule of stores from the period starting July 1, 1942 to June 30, 1943. For certain items the amounts to be made available are indicated as combined offerings of the United States and the United Kingdom, and appear as a combined figure in the schedules of both Governments.

A. Military Supplies

Item 1.—Aircraft

200 fighters monthly for last six months of 1942. The U.K. Government cannot at present undertake to increase the present quota of 200 aircraft a month, but the existing quota rates will be continued to the end of the year. The U.K. Government cannot foresee the situation beyond the end of 1942, and its ability to continue or increase supplies of fighters will depend upon the results of the intensified air fighting in the West of Europe during the present year.

Item 2.—Tanks

250 monthly, until December 31, 1942. It is hoped that a combined offer of 1,000 monthly can be made by a joint commitment from the U.S. and U.K. for the first 6 months of 1943. Basis of allocation to be decided at a later date.

Item 3.—Anti-Tank Guns

50 2-pdr. monthly with ammunition. 50 6-pdr. monthly with ammunition.

Item 4.—Anti-Tank Rifles

300 monthly with ammunition.

Item 5.—Bren Carriers

200 monthly with weapons.

B. Naval Supplies

Certain naval supplies have been promised since Protocol and these promises will be fulfilled. Quantities falling within period after June, 1942 until completed are:

Item 1.—Oerlikons

50 monthly with ammunition.

Item 2.—3" HA/LA or 12-PDR. Guns With Ammunition

10 monthly until requirements are met.

Item 3.—Submarine Storage Batteries

20 to complete total of 32.

Item 4.—103mm Complete Barrels

8, plus one spare barrel per gun per month starting in August.

C. Raw Materials

(Figures in long-tons monthly except where otherwise stated.)

Item 1.—Aluminum

2,000 tons monthly, July, August, September, subject to reconsideration end of September. U.S. offer of 24,000 long tons in equal monthly installments remains unchanged.

Item 2.—Tin

750 tons monthly (adjustments dependent upon decisions arrived at by the Combined Raw Materials Board, less any amounts over 9,000 received by U.S.S.R. from China.)

Item 3.—Nickel

Combined United Kingdom and United States at rate of 600 short tons per month for first 6 months; subject to review for second 6 months. This amount includes nickel in all forms to be made available, including alloys with steel, nichrome wire, and other materials, requiring nickel in the specifications, except finished munitions.

Item 4.—Lead

3,500 tons monthly dependent upon cancellation of unshipped amounts under the First Protocol and upon shipping conditions.

Item 5.—Copper

Combined United Kingdom and United States, 120,000 long tons in equal monthly installments. This includes copper in all forms, including refinery shapes, brass and wire mill products, copper base alloys and copper content of finished products other than ammunition.

Item 6.—Zinc, High Grade

Combined United Kingdom and United States 18,000 short tons in equal monthly installments.

Item 7.—Industrial Diamonds

\$150,000 monthly.

Item 8.—Ferrosilicon

Combined United Kingdom and United States, 12,000 long tons in equal monthly installments.

Item 9.—Ferrochrome

Combined United Kingdom and United States, 7,200 long tons in equal monthly installments.

Item 10.—Silver Steel

50 tons per month.

Item 11.—Graphite

100 tons per month, dependent upon local conditions in Ceylon.

Item 12.—Rubber

Combined United Kingdom and United States, 36,000 long tons of rubber in all forms including tires and tubes in equal monthly installments. In addition, 2,000 long tons per month from Ceylon as long as that source is open.

Item 13.—Jute

4,000 tons per month, dependent upon Indian conditions.

Item 14.—Shellac

300 tons per month dependent upon Indian conditions.

Item 15.—Wool

2,000 tons per month from New Zealand dependent upon shipping conditions.

D. Food

The only quantities of food which it will be possible for the United Kingdom to make available to the U.S.S.R. will be food which it would be possible to use for filling capacity for bottom cargo and broken stowage in ships carrying tanks and aircraft.

Letter of Transmittal

THE WHITE HOUSE
WASHINGTON

OCTOBER 2, 1942

Maj. Gen. A. I. BELYAEV

*Chairman, Soviet Government Purchasing Commission
Washington, D.C.*

MY DEAR GENERAL BELYAEV:

I am attaching hereto "The Conference Report on the Production Program for Groups II, III, and VII of the Schedule of United States Stores in the Proposed Second Protocol Between the U.S.A., the U.S.S.R., and Great Britain."

This report has been agreed to by appropriate representatives of the Soviet Government and of the United States Government and therefore becomes a definite part of the United States commitments under the Second Protocol.

Sincerely yours,

HARRY L. HOPKINS

Special Assistant to the President

[ENCLOSURE]

CONFERENCE REPORT

Conference Report on the Production Program for Groups II, III & VII of the Schedule of United States Stores in the Proposed Second Protocol Between the U.S.A., the U.S.S.R. and Great Britain

Pursuant to the request of the USSR Government for clarification and adjustment of several items within Groups II, III and VII of the Proposed Second Protocol, representatives of the United States Government and the Government Purchasing Commission of the Soviet Union in the U.S.A., after discussion and consideration of requisitions submitted up to August 15, 1942, reached decisions regarding the items under consideration in accordance with the attached schedule.

In general the revised offerings of the United States involve an increase in the total tonnage of the three groups here involved from approximately 2,269,000 short tons to approximately 2,830,000 short tons—an increase of some 560,000 short tons. This additional tonnage is accounted for by substantial increases in the tonnages of chemicals, industrial equipment, railroad materials, power generating equipment and petroleum refineries. In addition, while the total tonnage of the steel program now offered does not differ substantially from the total tonnage of the original offer, the composition of this program has been substantially altered in an attempt to provide the USSR with additional quantities of certain urgently required but critically scarce types of steel products.

The revised offer which is now proposed is regarded as the total production program to be undertaken by the United States for Groups II, III and VII for the USSR during the year July 1, 1942 to July 1, 1943.

WASHINGTON, D. C.

October 2, 1942

Approved for the United States Government

HARRY L. HOPKINS

Special Assistant to the President

U.S.S.R. Aid Program for Period July 1, 1942 to June 30, 1943

(1) Original Second Protocol Offerings, (2) Proposed Second Protocol Commitments, (3) "Debits" against Second Protocol as of August 15, 1942, and (4) "Credits" under Second Protocol as of August 15, 1942: For material, machinery and industrial equipment items (Protocol Groups II, III, and VII) ¹

[Short tons ²]

Second Protocol Item No.	Item	Original Second Protocol Offerings (1)	Proposed Second Protocol Commitments ³ (2)	"Debits" against Second Protocol as of Aug. 15, 1942 ⁴ (3)	"Credits" under Second Protocol as of Aug. 15, 1942 ⁵ (2 minus 3) (4)	Remarks
GROUP II						
1	Marine cable.....	2,570	3,449	3,449	0	Commitment (Col. 2) includes 300 S. T. carry-over as of June 30, 1942 under special arrangement with W.P.B.
2	Submarine cable.....	2,700	3,663	3,663	0	
3	Aluminum ingots.....	26,880	27,180	14,475	12,705	
3A	Duraluminum.....	6,720	9,510	9,160	350	Commitment (Col. 2) includes 3,440 S.T. carry-over as of June 30, 1942 under special arrangement with W. P. B.
4	Nickel.....	3,600	3,600	1,548	2,052	Nickel commitment (Col. 2) is for the six months period July-Dec. 1942 only; includes nickel in all forms except finished military stores. Pursuant to the request of the U.S.S.R., further study is being given to the possibility of increasing the supply of nickel to the U.S.S.R.
5	Molybdenum.....	4,000	4,000	3,964	36	Copper commitment (Col. 2) is for copper in all forms except finished military stores; since entire copper commitment is approximately taken up in goods containing copper, the committed tonnage is not added into totals.
6	Copper electrolytic.....	(134,400)	(134,400)	(Incl. in other items.)	(Incl. in other items.)	
7	Rolled copper (cartridge brass, etc.)....	102,000	109,411	109,411	0	

See footnotes at end of table.

U.S.S.R. Aid Program for Period July 1, 1942 to June 30, 1943—Continued

[Short tons ²]

Second Protocol Item No.	Item	Original Second Protocol Offerings (1)	Proposed Second Protocol Commitments ³ (2)	"Debits" against Second Protocol as of Aug. 15, 1942 ⁴ (3)	"Credits" under Second Protocol as of Aug. 15, 1942 ⁵ (2 minus 3) (4)	Remarks
9	Zinc.....	18,000	29,000	4,427	24,573	Zinc commitment (Col. 2) is composed of 18,000 as in Col. 1, 1,000 S.T. from U.S. Sept. 1942-June 1943, inc., and 1,000 S.T. in Sept. 1942 from U. K. Supply of additional 9,000 tons requested by U.S.S.R. is still under study.
10	Bimetal.....	12,000	20,160	10,080	10,080	Commitment is for \$22,404,000 worth of types set forth in memorandum from Soviet Government Purchasing Commission.
11	Copper goods & tubes.....	15,000	15,148	15,148	0	
12	Ferrosilicon.....	13,440	13,440	9,206	4,234	
13	Ferrochrome.....	8,064	8,064	5,660	2,404	
14	Armor plate.....	13,440	13,440	14,701	-1,261	
15	Hard alloys & cutting tools.....	945	2,120	1,543	577	
16	Polished drill rods: A Plain carbon.....	121	67	27	107	
B High speed.....	13	0	27			
C Alloy.....	134	40	40			
17	High speed tool steel.....	3,360	3,360	1,282	2,078	
18	Tool steel: A Plain carbon.....	3,360	3,360	4,886	6,538	
B Alloy-X12.....	672	672	672			
C Alloy-X12M.....	672	672	672			
D Alloy-Other.....	6,720	6,720	6,720			

In accordance with the original offer of total of 145,152 S.T. for item 19, the United States will undertake to make a further study of the possibility of meeting the U.S.S.R. request for 25,000 tons of material under item 19-F. In the event that the United States is unable to meet this request, it will further study the possibility of supplying an additional 25,000 tons of cold drawn steel of some other type than that indicated under item 19-F. To the extent that it is possible to meet these requests, the total charges of 57,146 tons, shown in col. 4, will be correspondingly reduced.

To be composed as follows: 4,392 S.T. high alloy steel—Grade EI-69; 8,960 S.T. alloy—AISI-3316; 16,800 S.T. alloy—AISI-4320; 24,640 S.T. chromium ball bearing steel; 19,936 S.T. other non-nickel alloy steel; 6,720 S.T. chromium and chrome molybdenum construction steel. In addition, the U.S. will further study the possibility of meeting the U.S.S.R. request for an additional 25,872 S.T. of alloy—AISI-3316, or a suitable substitute.

Includes 19,040 S.T. representing deficiency as of June 30, 1942, promised for delivery during July-September, 1942.

Includes 1,780 S.T. of metallic belt link strip.

		26,880 80,640 26,880	5,376 5,376 0	145,152	116,928	174,074	-57,146
19	Cold finished bars:						
A	Bessemer $\frac{3}{8}$ " to $\frac{5}{8}$ "	26,880	5,376	145,152	116,928	174,074	-57,146
B	Bessemer $\frac{3}{8}$ " to $\frac{5}{8}$ "	80,640	5,376				
C	Bessemer $\frac{3}{8}$ " to $\frac{5}{8}$ "	26,880	5,376				
D	Basic O. H. high carbon (bullet core) FXS 318—revision 2	5,376	5,376				
E	Electric and B. O. H. alloy	5,376	5,376				
F	Other alloy O. H. steel, and as 30XGCA AISI-3316; AISI-4320, ball bearing steel, etc.	0	0				
G	Other cold drawn bars—SAE-1015 to 1050	0	0				
20	Hot rolled aircraft steel:						
A	Electric	26,880	5,376	107,520	107,520	78,463	29,057
B	B. O. H.	80,640	5,376				
21	CR—SI—MN. billets	94,080				100,044	13,076
22	Cold rolled sheets—12 G.A. and lighter						
22A	Cold rolled strip:						
X	25 carbon and under	94,080				38,097	55,983
Y	Over .25 carbon	40,320					
Z	Other cold rolled strip	53,760		94,080	94,080	131,325	-37,245
23	Stainless steel:						
A	Sheets	1,344					
B	Strip	1,072		3,360	3,360	2,788	572
C	H. P. Bars	1,444				22,263	44,947
	Tin plate	67,200					

See footnotes at end of table.

U.S.S.R. Aid Program for Period July 1, 1942 to June 30, 1943—Continued

[Short tons ²]

Second Protocol Item No.	Item	Original Second Protocol Offerings	Proposed Second Protocol Commitments ³	"Debits" against Second Protocol as of Aug. 15, 1942 ⁴	"Credits" under Second Protocol as of Aug. 15, 1942 ⁵ (2 minus 3)	Remarks
		(1)	(2)	(3)	(4)	
61A	Other chemicals	0	60,000	18,602	41,398	The additional 60,000 S.T. of chemicals here offered under items 36, 38 to 61A, inclusive, is designed to make allowance for the considerable volume of additional requests which the U.S.S.R. will need to make. The particular chemicals and quantities to be made available within this 60,000 tons must depend upon the supply situation prevailing at the time particular requests are made. The United States will undertake to use its best efforts to secure delivery of machine tools, electric furnaces, forging presses and hammers and various industrial equipment (items 62 to 65 inclusive) to the total value of approximately \$315,000,000 representing approximately 265,000 short tons. This represents the total quantity of these items actually requisitioned by the U.S.S.R. through August 15, 1942 less the quantities exported prior to June 30, 1942 and less the quantities scheduled for delivery subsequent to June 30. Of this total the United States definitely undertakes to make deliveries of equipment valued at approximately \$150,000,000. With respect to the balance of \$165,000,000 worth of equipment, the United States can not give definite assurance of full deliveries prior to June 30, 1943, but will use its best efforts to effect such deliveries.
62	Machine tools		263,400	90,983	0	
63	Electric furnaces		(\$314,300,000)	6,123	0	
64	Forging presses & hammers	125,000	(See Remarks)	79,563	0	
65	Various industrial equipment			86,731	0	

To the extent that the U.S.S.R. has other urgent requests for fabricated equipment, such requests will be considered in the light of the current position of the United States with respect to critical materials and productive facilities and the acceptance of requisitions for any such further quantities of equipment will depend upon a corresponding reduction of similar items already under requisition.

The U.S.S.R. has requested 8,500,000 bearings. The U.S. has agreed to supply bearings to the U.S.S.R. to the extent of its capacity to do so. The amounts and sizes must depend upon the specific sizes required.

The United States will make available to the U.S.S.R. a total of 1,867 s.t. of leather per month commencing in October or a total of 18,670 s.t. for the period July 1, 1942 to June 30, 1943 exclusive of any stocks on hand as of July 1, 1942. The composition of the 1,867 s.t. per month shall be as follows: *Sole leather* from the U.S. 550 s.t. made up of benders, strips, and out soles of both finders' and manufacturers' leather, 110 s.t. from Canada and 110 s.t. from Brazil; *Upper leather* (army rets): 480 s.t. from the U.S., 44 s.t. from Brazil and 33 s.t. from Cuba; *Inner sole leather*: 540 s.t. from South America. The portions of sole leather, upper leather and inner sole leather indicated above to be furnished from South American countries are dependent upon the availability of shipping from those countries and the United States undertaking to supply leather is dependent upon the availability of such shipping.

67	Abrasives.....	4,500	(\$3,600,000)	5,000	(\$4,000,000)	4,331 (\$3,465,000)	669 (\$535,000)
68	Graphite electrodes.....	5,376		5,840		9,389	-3,549
69	Bearings.....	0		0		1,264	-1,264
70	Balls & rollers.....	150	(28,000,000 units)	150		38	112
71	Shoe leather.....	0		18,670		21,576	-2,906
72	Army boots.....	4,800	(2,400,000 prs.)	4,800		2,404	2,306
73	Army cloth.....	17,550	(18,000,000 yds.)	17,550		8,303	9,157

See footnotes at end of table.

U.S.S.R. Aid Program for Period July 1, 1942 to June 30, 1943—Continued

[Short tons ²]

Second Proto- col Item No.	Item	Original Second Protocol Offerings	(1)	Proposed Second Protocol Commit- ments ³	(2)	"Debits" against Second Protocol as of Aug. 15, 1942 ⁴	(3)	"Credits" under Second Protocol as of Aug. 15, 1942 ⁵ (2 minus 3)	(4)	Remarks
74	Electric power cable.....	66,628	(12,000 km.)	66,628		13,814		52,814		None available. See letter to Belyaev, att.
74A	Miscellaneous copper cable & wire.....	0		38,424		38,424		0		
75	Webbing.....	3,000	(36,000,000 yds.)	3,000		875		2,125		
76	Tarpaulin.....	0		3,100		3,100		0		
77	Vistanex.....	0		0		44		-44		This includes rubber in all forms except finished military stores. No commitments. See Belyaev letter, att. 3,419,000 lbs. See Belyaev letter, att. No commitments. See Belyaev letter, att.
78	Tires, tubes, other rubber products.....	40,320		40,320		18,369		21,951		
79	High pressure hose.....	0		648		648		0		
80	Sheet fiber.....	0		4,361		4,361		0		
81	Shock absorber cord.....	0		64		64		0		Amount requested: \$60,000,000 worth. Depends upon further specifications.
82	Metallic cloth and screen.....	2,000	(1,000,000 sq. m.)	2,000		122		1,878		
83	Condensor paper (radio).....	240		128		128		112		
83A	Cigarette paper.....	0		908		908		0		
83B	Parchment paper.....	0		2,000		2,000		0		Should be 134 short tons. See Belyaev letter 10-28-42 attached.
84	Miscellaneous emergency material.....	0								
85	Ferrophosphorus.....	0		4		4		0		
86	Ferrovandium.....	0		2		2		0		
87	Ferrotungsten.....	0		2		2		0		
89	Lead.....	0		8		8		0		
90	Tin.....	0		2		2		0		
91	Foil.....	0						0		
A	Aluminum.....			95		95		0		
B	Tin.....			52		52		0		
C	Nickel.....			1		1		0		
92	Babbitt metal.....	0		4		4		0		
93	Cadmium.....	0		100		100		0		
94	Cobalt.....	0		144		136		8		

GROUP III				286, 916	82, 809	204, 107
101	Rails.....					
101 A	Accessories.....					
102	Mounted sets of wheels & axles.....	241, 920	36, 656 (12,000 sets)	35, 692	964	
103	Car axles.....	18, 328	60, 480 (54,000 units)	30, 663	29, 817	
104	Locomotive & car wheel tires.....	23, 250	13, 440	13, 500	-60	
105	Rolled steel car wheels.....	0	17, 752	0	17, 752	
106	Engine driving wheel sets.....	0	0	0	0	
107	Steel locomotive axles.....	0	414	0	414	
108	Electric locomotive axles.....	0	297	0	297	
109	Welding & other equipment for railroads.....	0	0	2, 600	-2, 600	
110	Pneumatic tools.....	0	0			
111	Signal equipment.....	0	0	52, 873	-52, 873	
120	Equipment & materials for iron & steel industry.....	0	0	9, 877	-9, 877	
Equipment for petroleum industry:						
130	Oil drilling equipment.....	0	40, 000	3, 440	36, 560	
131	Refinery plants.....	0	50, 400	0	50, 400	
GROUP VII						
140	Electric power generating equipment..	0	40, 331	48, 750	-8, 419	
Grand total.....				2, 830, 571	2, 040, 412	790, 159

For items 109-111, 120: The possibilities of supplying equipment and materials for the railroad industry and the iron & steel industry are currently being investigated. To the extent that it is found possible to supply any of this equipment, it will be necessary to effect a corresponding reduction in the equipment already requisitioned under items 62-65 inclusive; in addition, the critical scarce materials such as steel, copper, nickel, etc., involved in such equipment will be chargeable against the total quantities of such materials offered under other items of the protocol.

For items 131, 140: In accordance with the terms under which the power and the refinery programs were offered to the U. S. S. R., the tonnages of critical materials necessary for the production of this program are to be charged against the tonnages of particular materials offered elsewhere in the protocol. These materials include copper, nickel, rubber, steel products, etc.

For items 109-111, 120: The possibilities of supplying equipment and materials for the railroad industry and the iron & steel industry are currently being investigated. To the extent that it is found possible to supply any of this equipment, it will be necessary to effect a corresponding reduction in the equipment already requisitioned under items 62-65 inclusive; in addition, the critical scarce materials such as steel, copper, nickel, etc., involved in such equipment will be chargeable against the total quantities of such materials offered under other items of the protocol.

For items 131, 140: In accordance with the terms under which the power and the refinery programs were offered to the U. S. R., the tonnages of critical materials necessary for the production of this program are to be charged against the tonnages of particular materials offered elsewhere in the protocol. These materials include copper, nickel, rubber, steel products, etc.

¹ This table covers all items under Group II (various material, machinery and industrial equipment), Group III (equipment and materials for specific industries), and Group VII (elec. power generating equipment).

² Conversion of dollar values and common physical units of measure into short tons based on detailed joint studies of Soviet Government Purchasing Commission and War Production Board. Figures in parentheses alongside short ton figures in column I are commitments as stated in other units than short tons; they apply to proposed second protocol commitments (col. 2) verbatim or proportionately, except as otherwise indicated.

³ These proposed commitments include all "special arrangements" which have been made through September 15, 1942, e.g., for such items as aluminum, aircraft cord, shell steel, etc.

⁴ "Debits" include all requisitions submitted to the office of Lend-Lease Administration through August 15, 1942 (including those in the 10,000 series sent directly to the War Department) and private purchases, except those requisitions under which delivery in the United States and export to Russia has taken place under the first protocol and except those requisitions calling for delivery after June 30, 1943.

⁵ This column shows the remaining credits as of August 15, 1942 under the proposed second protocol commitments, and thus represents the total amounts of goods for which requisitions may be submitted after August 15, 1942 for delivery in the United States before July 1, 1943. Acceptance by the United States of requisitions for additional materials and equipment in lieu of materials and equipment already under requisition depends on specifications, production facilities, critical materials, and other relevant considerations, even though no net change of total tonnage would result.

ANNEX II

Text of Identic Note Dated July 7, 1942, Addressed by the Ambassador of the Union of Soviet Socialist Republics (Litvinoff) in Washington to the Secretary of State of the United States (Hull) and by the Ambassador of the Union of Soviet Socialist Republics (Maisky) in London to His Majesty's Principal Secretary of State for Foreign Affairs (Eden)

I am instructed by my Government to inform you as follows:

The Government of the Union of Soviet Socialist Republics accepts with satisfaction the Second Protocol proposed by the Governments of the United States of America and the United Kingdom, for the period of July 1, 1942 to June 30, 1943.

The Soviet Government wishes to express its hope that:

A. The monthly delivery of airplanes from the United Kingdom after the first six months of 1942, i.e. in the first half-year of 1943, if it cannot be increased then in no way will be decreased, and the delivery of airplanes from the United States after October, 1942 will be increased to the possible limit.

B. The Government of the United Kingdom will find a way to maintain the monthly deliveries of aluminum ingots fixed for July-September 1942, during the entire period of the Second Protocol and that the Government of the United Kingdom will be able to arrange for the monthly supply of cobalt metal at the rate of ten tons per month, as it was provided under the Moscow Protocol.

C. Taking into consideration the increased demand of the United States and the United Kingdom for nickel and also the acute need for this metal in the U.S.S.R., it will be possible to arrange a monthly supply of nickel at the rate of 400 tons per month, over the quantities necessary for the production of manufactured goods offered in the Second Protocol.

The Soviet Government considers that the proposed limitation of Soviet requirements to 4,400,000 net tons, shipments of which will be provided for to the U.S.S.R. northern ports and to the Persian Gulf, shall be made at the expense of flour, wheat, sugar and petroleum products. The Soviet Government trusts that the Government of the United Kingdom will provide for the delivery of different kinds of equipment, ordered up to July 1, 1942 by the Trade Delegation of the U.S.S.R. in the United Kingdom and will find the further possibility of accepting new Soviet orders for industrial equipment for delivery during the Second Protocol.

The Soviet Government takes note of the U.S. Government's statement regarding the impossibility, at the present time of satisfying the U.S.S.R. Government's request for machinery and equipment for the U.S.S.R. Iron and Steel Industry, Petroleum Industry and Railroads. At the same time,

the U.S.S.R. Government expresses its hope that, in the future, the U.S. Government may find it possible to satisfy the needs of the U.S.S.R. for the above mentioned equipment.

The Soviet Government expresses its satisfaction at the statement of the Governments of the United States and the United Kingdom to the effect that they will be glad to reconsider, from time to time, the second program with the intention of finding out the possibilities of increasing the supply to the U.S.S.R. of military items and equipment which can be made available and delivered.

The Soviet Government authorizes its Purchasing Commission in Washington to adjust and clarify those items in the new Protocol which are in need of further adjustment and clarification.

It is presumed that the Second Protocol, like the Moscow Protocol, will be signed by the representatives of the three Governments concerned.

I am authorized to sign the Protocol on behalf of my Government.

My Government would like to have included in the Protocol the desiderata, expressed in paragraphs "A", "B" and "C."

ANNEX III

Decisions With Respect to the Soviet Government's Request for Supplies of Aircraft, Aluminum, Cobalt and Nickel Beyond Those Provided in the Proposed Second Protocol

1) The Government of the United Kingdom will before termination of their present commitment give further consideration to the question of continuing or increasing supplies of aircraft after the end of 1942. They can at present give no undertaking in the matter. The Government of the United States is earnestly examining the request of the Soviet Government and will reach a decision as promptly as possible in consultation with representatives of the Union of Soviet Socialist Republics.

2) The Government of the United Kingdom agree to continue to supply aluminum at the approximate monthly rate of 2,000 tons until the end of 1942.

3) The Government of the United States undertakes to make available ten tons of cobalt per month during the period covered by the Second Protocol.

4) The Government of the United States and the Government of the United Kingdom agree to increase the amount of nickel to be provided to the Union of Soviet Socialist Republics in all forms, except finished military stores, to 700 short tons per month for the fourth quarter of 1942.

FOOD SUPPLY FOR IRAN

Agreement signed at Tehran December 4, 1942

Entered into force December 4, 1942

Expired in accordance with its terms

56 Stat. 1835; Executive Agreement Series 292

FOOD AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES, THE GOVERNMENT OF THE UNITED KINGDOM AND THE IMPERIAL IRANIAN GOVERNMENT

The Government of the United States, the Government of the United Kingdom of Great Britain and Northern Ireland and the Imperial Iranian Government:

Considering that the responsibility of feeding the people of Iran rests primarily on the Imperial Iranian Government, but that it is desirable, inasmuch as war conditions may bring economic distress to the people of Iran and inasmuch as it is the general policy of the Governments of the United States and the United Kingdom to safeguard the economic existence of the peoples of the Middle East against such distress, to take all possible steps to ensure the supply of cereals (wheat together with barley, rice and other adulterants) for the bread supply of the people of Iran until the gathering of the harvest in 1943, and

Having regard to the undertaking given by the Imperial Iranian Government to carry out:

(a) All measures recommended by the United States Adviser to the Ministry of Food, including measures to prevent hoarding and the introduction of rationing of foodstuffs, and

(b) All recommendations of the Road Transport Committee which are certified to be essential for the regulation of the means of road transport in Iran by the majority vote of the following three members of that Committee, namely, the Chairman appointed by the Imperial Iranian Government, and the members designated by the United States and British Ministers at Tehran respectively,

Have agreed as follows:

ARTICLE I

If the Iranian Minister of Food, with the concurrence of the United States Adviser, and the United States and British Ministers at Tehran decide, by a majority vote, that they are satisfied that all practicable steps have been taken by the Imperial Iranian Government under their undertakings referred to above, and that nevertheless the supply of cereals within Iran for the bread supply of the people of Iran is insufficient to cover the minimum needs of the population of Iran for the current year ending with the gathering of the 1943 harvest, the Governments of the United States and of the United Kingdom will take all steps within the full limit of their powers to ensure that supplies of cereals will be brought to Iran from other sources sufficient to make up the deficiency.

ARTICLE II

The Imperial Iranian Government are responsible

- (a) for the distribution of cereals within Iran,
- (b) for ensuring that a deficiency in one area is met by supplies from another area in Iran when the total supply of cereals within Iran is sufficient for the needs of the population of the country as a whole, and
- (c) for the distribution to necessitous areas of any supplies brought into Iran from other sources in fulfilment of the undertakings of the other two Governments in Article I above.

Recognising that the capacity of the Imperial Iranian Government to discharge its above-mentioned responsibilities is limited by the means of transport at its disposal, the Governments of the United States and of the United Kingdom will take all steps within the full limit of their powers, to ensure that the means of transport at the disposal of the Imperial Iranian Government shall be sufficient, if put to the best possible use, for the proper distribution of these cereals.

IN WITNESS WHEREOF the undersigned, being duly authorised to this effect by their respective Governments, have signed the present Agreement and have affixed their seals.

DONE at Tehran, this fourth day of December, 1942, in triplicate, in English and in Persian, both texts being equally authentic.

On behalf of the Government of the United States of America.

[SEAL] LOUIS G. DREYFUS Jr.

Envoy Extraordinary and Minister Plenipotentiary in Iran of the United States of America

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland.

[SEAL] R. W. BULLARD

His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Iran

On behalf of the Imperial Iranian Government.

[SEAL] M. SAED

Minister for Foreign Affairs of the Imperial Iranian Government

FORCED TRANSFERS OF PROPERTY IN ENEMY-CONTROLLED TERRITORY

Declaration by the United States and certain others of the United Nations, made at their respective capitals January 5, 1943

Department of State Bulletin, January 9, 1943, p. 21

The Union of South Africa, the United States of America, Australia, Belgium, Canada, China, the Czechoslovak Republic, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, Greece, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Yugoslavia and the French National Committee:

Hereby issue a formal warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practiced by the governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled.

Accordingly the governments making this declaration and the French National Committee reserve all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the governments with which they are at war or which belong or have belonged, to persons, including juridical persons, resident in such territories. This warning applies whether such transfers or dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected.

The governments making this declaration and the French National Committee solemnly record their solidarity in this matter.

INDUSTRIAL DIAMONDS

Agreement and exchange of notes signed at London March 26, 1943

Entered into force March 26, 1943

*Terminated June 2, 1946*¹

57 Stat. 931 ; Executive Agreement Series 317

The Government of the United States of America, the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland considering that it is desirable, as a precaution against the adverse fortunes of war, to create a reserve of industrial diamonds upon the North American Continent, for possible needs of the United Nations, have agreed as follows :

ARTICLE 1

Statement of Principle

The contracting Governments intend that the normal consumption requirements of the various nations shall be met currently from mine production and from stocks in the United Kingdom and various producing countries, and that the reserve hereinafter provided for shall not be drawn upon except under the conditions stated in this agreement.

ARTICLE 2

Size of Reserve

The reserve shall contain a minimum quantity of 11,500,000 carats of diamonds suitable for the uses specified in Appendix I and containing so far as possible the quantities in the various sizes specified under those uses.

ARTICLE 3

Composition of Reserve

The Government of the United Kingdom will take such steps as are practicable for the reserve to be established by the transfer to Canada of stocks of diamonds held by diamond producing companies and by the Diamond

¹ Nine months after Japan signed instrument of surrender (EAS 493, *post*, p. 1251) ; see art. 14.

Corporation in the quantities and of the descriptions set forth in Appendix II. Appendix II also sets forth the quantities of diamonds of the various use classifications and sizes which it is estimated will be found in the total quantities to be transferred by each company.

ARTICLE 4

Transfer of Reserve

Transfer of the reserve shall begin as soon as possible after the date of signature of this agreement. The Government of the United Kingdom will use its best efforts to ensure transfer at a rate of 600,000 carats per week, but single shipments shall not exceed 300,000 carats each. The quantities so transferred shall be kept in safe keeping in such places in Canada as may be approved by the respective Governments. In the event that the Government of the United Kingdom desires to maintain a portion of the reserve in the United States, the Government of the United States will provide the necessary safe depositories.

ARTICLE 5

Maintenance of Production and Supply

The Government of the United Kingdom and the Government of the United States agree to take all practicable steps to maintain production at, or, if necessary, to increase it to levels adequate to provide both for the full current requirements of the United Nations, and for the maintenance of the present stocks in the United States and the United Nations reserve. The Government of the United States will use its best efforts to maintain an adequate supply of industrial diamonds to Canada to meet the current requirements of Canadian industries and to maintain existing stocks. Estimates of the current annual requirements of the United Nations made as of the 30th June, 1942, are set forth in Appendix III. It is understood, however, that such actual requirements may vary from these estimates from time to time.

ARTICLE 6

Conditions of Withdrawal

A. Withdrawal by the United States

The Government of the United States shall be entitled to draw upon the reserve stock, in any classification, when the United States stock of that classification falls to a quantity less than 90 per cent. of the normal stock as of the 30th June, 1942. The normal stocks as of the 30th June, 1942, are set forth by classifications in Appendix IV and are the stocks in private and Government hands in the United States including 4,505,000 carats of boart purchased but not delivered as of that date. Upon notice furnished to the Government of the United Kingdom by the Government of the United States that the stock of any classification has fallen below 90 per cent. of such

normal stock, the Government of the United Kingdom undertakes to take all reasonable steps to make shipments to restore such stock to the figures set forth in Appendix IV for such classification within 60 days. If, at the end of such 60-day period, the shipments have not been made, the Government of the United States shall be entitled to draw upon the United Nations reserve in quantities sufficient to restore the stock of such classification to the figures set forth in Appendix IV for such classification. The Government of the United States may effect such withdrawals through the Metals Reserve Company or any other Government agency or department or through merchants or other private parties nominated by it.

B. Withdrawal by the United Kingdom

The Government of the United Kingdom may draw upon the United Nations reserve when, in its opinion, it becomes impracticable to meet current requirements from stocks in the United Kingdom or from African stocks or production. The Government of the United Kingdom shall, under such circumstances, formally assure the Government of the United States of the reasons and need for such withdrawal.

C. Withdrawal for Canadian Requirements

If the stocks in Canada of industrial diamonds of any of the descriptions mentioned in Appendix IV fall at any time below the quantity of that description consumed in Canada during the preceding six months the Government of Canada may notify the Government of the United Kingdom and the Government of the United States that a shortage of industrial diamonds of that description exists. If the shortage of that description is not met either by delivery from the United States or from the United Kingdom within 90 days of the date of notification then the Government of the United Kingdom shall withdraw from the reserve for requirements in Canada such quantities of diamonds as are required to remove the shortage.

D. Withdrawals for other United Nations Requirements

Withdrawals for the requirements of other United Nations may be made after consultation between appropriate representatives of the Government of the United States and the Government of the United Kingdom.

E. Combined Raw Materials Board

The provisions of this Article are subject to any action which may be required as the result of decisions by the Combined Raw Materials Board.

ARTICLE 7

Prices of Material Withdrawn and Expenses of Transfer

Industrial diamonds withdrawn from the United Nations reserve shall be withdrawn at United States dollar prices for comparable material (converted from Sterling at the official rate at the date of such withdrawal) ruling

on the 30th June, 1942, to which prices may be added reasonable amounts to cover the proportion of the cost of the establishment, maintenance and liquidation of the United Nations reserve attributable to the diamonds withdrawn. Provided that if the ceiling prices of industrial diamonds in the United States are raised, the prices ruling on the 30th June, 1942, and chargeable hereunder may be raised by the same percentage as the percentage increase or increases in such ceiling prices. Since it is probable that the United Nations reserve will include certain quantities of cuttable material not normally employed for industrial purposes but suitable therefor, the Government of the United Kingdom will, in the event of an emergency requiring the use of such cuttable material, employ its best efforts to furnish this material to the United Nations at reasonable prices reflecting the utility of the material and its cost of production for industrial purposes and not its value as gem stones.

All expenses of the transfer of diamonds to North America for the United Nations reserve and of the maintenance, sorting and liquidation of the reserve including indemnity for any loss or damage to the diamonds shall be advanced in equal proportion by the Government of the United States and the Government of the United Kingdom subject to reimbursement from any sales from the reserve to the extent that the prices of sales from the reserve include, directly or indirectly, amounts which the Governments have advanced in respect of the establishment, maintenance and liquidation of the reserve. The Government of the United States undertakes to advance in the first instance any disbursements incurred in United States or Canadian dollars. On the liquidation of the reserve such part of the above-mentioned expenses as has not been reimbursed from sales from the reserve shall be shared equally by the two Governments. The Ministry of Supply of the United Kingdom will keep running accounts of advances and reimbursements.

ARTICLE 8

Sorting of Material

The Government of the United Kingdom will make adequate arrangements with the producing companies and with the Diamond Corporation to ensure that the United Nations reserve is sorted into the usual assortments of the Diamond Corporation upon its transfer to Canada and that such other necessary arrangements are made that withdrawals in accordance with the provisions of Article 6 can be made without any delay.

ARTICLE 9

Agreement with Producers

The Government of the United States and the Government of Canada take note of the draft agreement between the Minister of Supply of the United Kingdom and certain diamond producers, the Diamond Corporation, Ltd.

and the Diamond Trading Company, Ltd., which is reproduced as Appendix V and will, so far as may be necessary, afford facilities for the performance of the terms of such an agreement.

ARTICLE 10

Exchange of Information

A. Information furnished by the Government of the United States

The Government of the United States undertakes to furnish to the Government of the United Kingdom within 90 days after the end of each quarterly period commencing with that ending on the 31st December, 1942, a statement, by classifications, of the stocks of industrial diamonds in the United States and of estimated purchases in South America until the end of 1946.

B. Information furnished by the Government of the United Kingdom

The Government of the United Kingdom undertakes to furnish to the Government of the United States, within 90 days after the end of each quarterly period commencing with that ending on the 31st December, 1942, a statement by classifications of the stocks of industrial diamonds included in the United Nations reserve. Such statements shall include a summary of the results and progress of sorting in Canada. The Government of the United Kingdom further agrees to furnish quarterly statements to the Government of the United States of stocks in the United Kingdom (separately for merchants, the Diamond Corporation and its affiliates, and producers) and, so far as possible, of stocks in the hands of producers in Africa.

Miscellaneous Provisions

ARTICLE 11

Nothing in this agreement shall be construed to prevent any of the United Nations from acquiring additional quantities of industrial diamonds through purchase for its national reserve if diamonds are available and can be supplied without interfering with supplies for normal consumption and for the implementing of this agreement.

ARTICLE 12

The three contracting Governments agree to take such steps as are reasonable and practicable to ensure that all diamonds acquired by any person as industrial diamonds are sold by the most direct channels for use in industry and that they are not bought or sold speculatively or for hoarding.

ARTICLE 13

The Government of the United States and the Government of the United Kingdom will each appoint a representative to meet and adjust any difficulties

of interpretation of this agreement which may arise from time to time. In any question affecting Canadian interests the Government of Canada may appoint a representative to collaborate with the representatives of the other two Governments.

ARTICLE 14

Duration of Agreement

This agreement shall operate from the date of signature and, except by mutual consent, it shall terminate nine months after the cessation of hostilities. For the purpose of this clause the cessation of hostilities shall be the date on which there is a general suspension of hostilities between the United Kingdom and the United States (or the later of them to suspend hostilities) on the one hand and the last of the enemy Powers with whom they are now at war on the other hand.

Done in triplicate in London, the 26th day of March, 1943.

On behalf of the Government of the United States of America:
H. FREEMAN MATTHEWS

On behalf of the Government of Canada:
VINCENT MASSEY

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland:
ALEXANDER CADOGAN

APPENDIX I

Quantities and Sizes of Industrial Diamonds for various uses which should, so far as possible, be contained in the United Nations Reserve (Article 2)

	<i>Carats</i>
I. Drilling material	
14 per carat and under.....	1, 790, 000
II. Material for drilling and dressing grinding wheels	
14 per carat to $\frac{1}{8}$ carat.....	431, 000
III. Material for dressing grinding wheels	
(a) $\frac{1}{8}$ to 1 carat.....	255, 000
(b) 1 to 2 carats.....	420, 000
(c) 2 to 6 carats.....	227, 000
(d) 6 carats and over.....	40, 000
IV. Material for shaped tools	
(a) $\frac{1}{8}$ to 1 carat.....	—
(b) 1 carat and over.....	20, 000
V. Material for wire drawing dies	
(a) $\frac{1}{8}$ to $\frac{1}{4}$ carat.....	—
(b) $\frac{1}{4}$ to 1 carat.....	—
(c) Over 1 carat.....	1, 000
VI. Carbons.....	—
VII. Crushing board.....	8, 350, 000
Total.....	11, 534, 000

APPENDIX II

Quantities of Diamonds to be transferred to the United Nations Reserve by Producing Companies and the Diamond Corporation, together with an estimate of quantities of various sizes suitable for the under-mentioned uses included therein (Article 3)

A	
<i>Quantities to be transferred</i>	<i>Carats</i>
1. Companhia de Diamantes de Angola.	700,000 run of mine
2. Consolidated African Selection Trust, Ltd.	82,000 serie goods 430,000 original boart 72,000 sand 150,000 run of mine (less dust) 66,000 Ball-Mill product
	800,000 carats
3. Sierra Leone Selection Trust, Ltd.	105,000 serie goods 1,025,000 original boart 358,000 run of mine 12,000 sand
	1,500,000 carats
4. Société Internationale Forestière et Minière du Congo.	2,000,000 pre classe 5,000,000 original crushing boart
	7,000,000 carats
5. Diamond Corporation, Ltd. (Incorporated in the Union of South Africa).	184,378 United Kingdom reserve 3,000,000 boart 35,000 selected stones
	3,219,378 carats

B

<i>Estimated Composition of Material to be transferred</i>	<i>Carats</i>
I. Drilling material 14 per carat and under.	495,500
II. Material for drilling and for dressing grinding wheels 14 per carat to $\frac{1}{3}$ carat (including material for wire drawing $\frac{1}{8}$ to $\frac{1}{3}$ carat).	618,000
III. Material for dressing grinding wheels, for shaped tools and for wire drawing dies	
$\frac{1}{3}$ to 1 carat.	588,500
1 to 2 carats.	564,378
2 to 6 carats.	191,000
6 carats and over.	37,000
IV. Crushing and better boart.	10,179,500
V. Cuttable—not useful industrially.	545,500
Total.	13,219,378

APPENDIX III

Estimate made at 30th June, 1942, of the Supplies of Industrial Diamonds required annually to meet the current needs of the United Nations (Article 5)

	United States and Canada. Carats	United Kingdom, U.S.S.R. and other countries. Carats	Total. Carats
I. Drilling material			
14 per carat and under.	600, 000	125, 000	725, 000
II. Material for drilling and dressing grinding wheels			
14 per carat to $\frac{1}{8}$ carat.	250, 000	150, 000	400, 000
III. Material for dressing grinding wheels			
(a) $\frac{1}{8}$ to 1 carat.	150, 000	70, 000	220, 000
(b) 1 to 2 carats.	150, 000	80, 000	230, 000
(c) 2 to 6 carats.	80, 000	60, 000	140, 000
(d) 6 carats and over.	20, 000	—	20, 000
IV. Material for shaped tools			
(a) $\frac{1}{8}$ to 1 carat.	20, 000	35, 000	55, 000
(b) 1 carat and over.	8, 000	17, 000	25, 000
V. Material for wire drawing dies			
(a) $\frac{1}{8}$ to $\frac{1}{2}$ carat.	35, 000	16, 000	51, 000
(b) $\frac{1}{2}$ to 1 carat.			
(c) Over 1 carat.	8, 000	7, 500	15, 500
VI. Carbons.	—	—	—
VII. Crushing board.	4, 300, 000	1, 000, 000	5, 300, 000
Total.	5, 621, 000	1, 560, 500	7, 181, 500

APPENDIX IV

United States' normal stock of Industrial Diamonds as at 30th June, 1942 (Article 6A)

	Carats
I. Drilling material	
14 per carat and under.	1, 185, 000
II. Material for drilling and dressing grinding wheels	
14 per carat to $\frac{1}{8}$ carat.	663, 000
III. Material for dressing grinding wheels	
(a) $\frac{1}{8}$ to 1 carat.	406, 000
(b) 1 to 2 carats.	307, 000
(c) 2 to 6 carats.	150, 000
(d) 6 carats and over.	55, 000
IV. Material for shaped tools	
(a) $\frac{1}{8}$ to 1 carat.	79, 000
(b) 1 carat and over.	20, 000
V. Material for wire drawing dies	
(a) $\frac{1}{8}$ to $\frac{1}{2}$ carat.	76, 000
(b) $\frac{1}{2}$ to 1 carat.	65, 000
(c) Over 1 carat.	19, 000
VI. Carbons.	59, 000
VII. Crushing board and powder.	13, 116, 000
Total.	16, 200, 000

APPENDIX V

Draft Agreement between the Minister of Supply and Diamond Producing Companies, the Diamond Corporation and the Diamond Trading Company, Limited, regarding a United Nations Reserve of Industrial Diamonds

THIS Agreement is made the _____ day of _____, 1943, between Companhia de Diamantes de Angola, a company incorporated in _____ whose principal office is situate at _____ Consolidated African Selection Trust, Limited, whose registered office is situate at _____ Sierra Leone Selection Trust, Limited, whose registered office is situate at _____ and Société Internationale Forestière et Minière du Congo, a company incorporated in _____, whose principal office is situate at _____ (hereinafter together called "the Companies") of the first part, the Diamond Corporation, Limited, a company incorporated in the Union of South Africa, whose principal office is situate at _____ (hereinafter called "the Corporation") of the second part, the Diamond Trading Company, Limited, a company incorporated in the Union of South Africa, whose principal office is situate at _____ (hereinafter called "the Trading Company") of the third part, and the Minister of Supply (hereinafter called "the Minister") of the fourth part.

Whereas it has been agreed between the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, and the Government of the United States of America that it is desirable as a precaution against the adverse fortunes of war to create a reserve of industrial diamonds (hereinafter referred to as "the Reserve") in Canada for possible needs of the nations now associated with them in war

And whereas the Companies, the Corporation and the Trading Company have agreed to collaborate with the Minister in the establishment of the Reserve in manner hereinafter appearing

Now it is hereby agreed as follows:

ARTICLE 1

Each of the Companies and the Corporation will transfer to addresses in Canada approved by the Minister the quantities and descriptions of diamonds stated against its name in Schedule I of this Agreement. The aggregate of such diamonds when so transferred shall constitute the Reserve.

ARTICLE 2

The diamonds in the Reserve will remain the property of one of the Companies or the Corporation or the Trading Company as the case may be and shall be sold to any person who is not a party to this Agreement only at the request of the Minister and by or through the Trading Company and in accordance with any contracts between the Companies and any of them and the Corporation which may for the time being be operative.

ARTICLE 3

No part of the Reserve shall be removed from the approved addresses in Canada except with the consent of the Minister or except at the request of the Minister to meet an emergency requirement for industrial diamonds notified to the Corporation by the Minister. On receipt of such notification, the Corporation will arrange for the sale from the Reserve of such classes and quantities of diamonds to the Government of or merchants in the

country where the emergency requirement has arisen as may be specified in the notification. The notification will specify the quantities of diamonds to be sold in the normal selling classifications of the Trading Company and each of the Companies will sell to the Corporation, according to the normal contracts existing between it and the Corporation, such quantities and classes of diamonds as the Corporation may call upon it to provide as being necessary to meet the emergency requirement.

ARTICLE 4

(1) It is the intention of the parties hereto that the Companies, the Corporation and the Trading Company shall be relieved of all payments in connexion with the diamonds provided for the Reserve other than payments which the Companies, the Corporation or the Trading Company would have made if the diamonds had not been provided for the Reserve and with a view thereto the following provisions shall apply:

(2) The Minister shall—

(a) discharge all expenses of the transfer of diamonds to North America for the Reserve and of the maintenance, sorting and liquidation of the Reserve;

(b) discharge all other proper payments, including all (if any) taxes, duties, assessments or charges, whether on export, sales, income or otherwise, which would not have been incurred or levied if the diamonds had not been removed to North America for the purposes of the Reserve.

(3) Each of the Companies shall refund to the Minister from the proceeds of the sale by it of any diamonds comprised in the Reserve such expenses or payments discharged by the Minister in respect of those diamonds as the Company would have discharged if those diamonds had been sold in London to the Diamond Corporation on the 30th June, 1942.

(4) The Diamond Corporation shall refund to the Minister from the proceeds of the sale by it of any diamonds comprised in the Reserve such expenses or payments discharged by the Minister in respect of those diamonds as the Corporation would have discharged if those diamonds had been sold by it on the 30th June, 1942.

(5) The Trading Company shall refund to the Minister from the proceeds of the sale by it of any diamonds comprised in the Reserve such expenses or payments discharged by the Minister in respect of those diamonds as the Trading Company would have discharged if those diamonds had been sold by it in London on the 30th June, 1942. In addition, the Trading Company shall refund to the Minister from the sales of diamonds comprised in the Reserve the proceeds of such additions (if any) to the selling prices of the 30th June, 1942, as are made to the selling prices of those diamonds under Article 7 of this Agreement to meet the additional costs of the Minister.

(6) If on the termination of this Agreement there remain unsold any diamonds which were included in the Reserve the Minister will be entitled to the refund out of the proceeds of the sale of those diamonds by the Company owning them, the Corporation and the Trading Company of only such expenses or payments discharged by him in respect of those diamonds as the Company, the Corporation and the Trading Company respectively would have discharged if the diamonds had not formed part of the Reserve. The Minister will, however, be prepared to consider with the other parties hereto when the time arises whether this obligation should be discharged by part payment of the estimated amount due from those other parties or otherwise.

ARTICLE 5

The transfer of diamonds to Canada under this Agreement shall begin as soon as possible after the date of signature of this Agreement and the Companies and the Corporation severally undertake to use their best efforts to transfer the diamonds mentioned in Schedule I opposite their respective names at a rate not less than the rate set forth and from the date set forth in Schedule II for each Company. Single shipments shall not exceed 300,000 carats each.

ARTICLE 6

The Companies and the Corporation will arrange for the sorting of the diamonds in the Reserve in such manner as will enable the quantities of industrial diamonds suitable

for the various industrial uses to which they are put to be estimated readily and in such manner as they will be readily available for sale in the usual selling classifications of the Trading Company. A report on the quantities of diamonds of various classes in the Reserve and of the progress of the sorting will be furnished to the Minister by each of the Companies, the Corporation and the Trading Company or by the Corporation on their behalf for each quarter commencing with that ending on the 31st March, 1943, and at the end of each three months thereafter.

ARTICLE 7

The prices at which the diamonds will be sold from the Reserve will be the Trading Company's selling prices in operation on the 30th June, 1942, with the addition of such amounts as are estimated by the Minister to be reasonable to cover the additional costs of the Minister, the Companies, the Corporation and the Trading Company for the establishment, maintenance and liquidation of the Reserve (including the costs of returning diamonds to the United Kingdom and insurance mentioned in Articles 9 and 10), provided that if the ceiling prices of industrial diamonds in the United States are raised the Trading Company's selling prices for diamonds in the Reserve may be increased correspondingly with the consent of the Minister. If rough diamonds of cuttable quality not normally sold as industrial diamonds are sold out of the Reserve as industrial diamonds, the prices to be charged by the Trading Company will be such reasonable prices as reflect the utility of the material and its cost of production for industrial purposes and not its value as gem stones. Such diamonds shall be sold at those prices subject to an undertaking that they will be re-sold only for use in industry and notification of such sales will be made to the Minister.

ARTICLE 8

The Companies, the Corporation and the Trading Company severally agree to furnish to the Minister within 30 days after the end of each quarterly period commencing with that ending on the 31st March, 1943, a statement of the stocks of industrial diamonds which they hold, with such information as to the quantities of the various classes mentioned in Schedule I contained in the stocks as will enable an estimate to be made of the quantities which are suitable for various industrial uses.

ARTICLE 9

The Minister will make provision at his own expense for the return to the United Kingdom of the diamonds remaining in the Reserve at the termination of this Agreement.

ARTICLE 10

The Minister will pay the costs of insuring at the current selling prices of the owners the diamonds provided for the Reserve against all insurable risks of damage or loss from the date when the diamonds are despatched from storage *en route* to Canada until they are sold or returned to the United Kingdom in accordance with the provisions of Article 9 or otherwise cease to be covered by this Agreement, whichever first happens. These costs shall be regarded as expenses for the purpose of refunds to the Minister under Article 4 of this Agreement.

ARTICLE 11

This Agreement shall operate from the date of signature and, unless in view of the passing of the emergency it is terminated earlier by mutual consent, shall terminate nine months after the cessation of hostilities, except as regards the reimbursement of expenses referred to in Article 4 hereof. For the purpose of this clause the cessation of hostilities shall be the date on which there is a general suspension of hostilities between the United Kingdom and the United States of America (or the later of them to suspend hostilities) on the one hand and the last of the enemy Powers with whom they are now at war on the other hand.

ARTICLE 12

This Agreement shall be construed according to the law of England.

SCHEDULE I

Quantities of Diamonds to be transferred to the United Nations Reserve by Producing Companies and the Diamond Corporation

1. Companhia de Diamantes de Angola	700,000 carats run of mine
2. Consolidated African Selection Trust, Ltd.	82,000 carats serie goods
	430,000 carats original boart
	72,000 carats sand
	150,000 carats run of mine (less dust)
	66,000 carats Ball-Mill product
	<hr/> 800,000 carats
3. Sierra Leone Selection Trust, Ltd.	105,000 carats serie goods
	1,025,000 carats original boart
	358,000 carats run of mine
	12,000 carats sand
	<hr/> 1,500,000 carats
4. Société Internationale Forestière et Minière du Congo	2,000,000 carats pre classe
	5,000,000 carats original crushing boart
	<hr/> 7,000,000 carats
5. Diamond Corporation, Ltd. (Incorporated in the Union of South Africa)	184,378 carats United Kingdom reserve
	3,000,000 carats boart
	35,000 carats selected stones
	<hr/> 3,219,378 carats

SCHEDULE II

Rate of Transfer of Diamonds to Canada for the United Nations Reserve

Companhia de Diamantes de Angola.	35,000 carats run of mine goods each week from the week commencing , 1943.
Consolidated African Selection Trust, Ltd.	40,000 carats each week from the week commencing , 1943, spread as most convenient over the various classes of goods to be transferred.
Sierra Leone Selection Trust, Ltd.	70,000 carats each week from the week commencing , 1943, spread as most convenient over the various classes of goods to be transferred.
Société Internationale Forestière et Minière du Congo	320,000 carats each week from as soon after the , 1943, as is possible, preference being given to the shipment of pre classe goods.
Diamond Corporation, Ltd.	184,378 carats United Kingdom reserve during the two weeks commencing , 1943, and 145,000 carats of boart each week from the week commencing , 1943, 35,000 carats selected stones as early as possible.

EXCHANGE OF NOTES

The American Chargé d'Affaires ad interim to the British Prime Minister

EMBASSY OF THE
UNITED STATES OF AMERICA
London, March 26, 1943.

No. 2536.

SIR,

I have the honor to refer to Article 14 of the Agreement regarding Industrial Diamonds signed this day between the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, and the United States of America, which provides for the termination of the arrangements for maintaining and operating the United Nations reserve of industrial diamonds, and to the agreement between the Ministry of Supply and the diamond producing companies which gives the companies a right to the return to the United Kingdom of the diamonds remaining in the reserve at that time.

When that time arrives it may be found desirable, with the concurrence of the companies, to make other arrangements for the disposition of the diamonds in the reserve, and it is, therefore, the desire of the Government of the United States that provision should be made for discussions on this matter to take place between the Government of the United Kingdom and the Government of the United States within three months before the termination of the agreed arrangements.

If the Government of the United Kingdom concurs in this proposal and will be prepared to arrange for its representation at such discussions, which might best be held in London where contact can be most readily made with the owners of the diamonds, the present note and Your Excellency's reply to that effect will be regarded as an understanding between our two Governments.

Accept, Sir, the renewed assurances of my highest consideration.

H. FREEMAN MATTHEWS
Chargé d'Affaires ad interim

The Right Honorable
WINSTON CHURCHILL, C.H., M.P.,
Foreign Office,
London.

*The Permanent Secretary in the British Foreign Office to the American
Chargé d'Affaires ad interim*

FOREIGN OFFICE, S.W. 1.

26th March, 1943.

SIR,

I thank you for your letter of today's date regarding the proposal of the Government of the United States that provision should be made for discussion of the disposition of diamonds in the United Nations reserve of industrial diamonds within three months of the date of termination of the arrangements agreed in the Agreement on Industrial Diamonds signed to-day. In reply I have the honour to inform you that the Government of the United Kingdom concur in the proposal and that this note and your note to which this is a reply will be regarded as an understanding between our two Governments in this matter.

I have the honour to be, with high consideration, Sir,

Your obedient Servant,

(In the absence of the Secretary of State)

ALEXANDER CADOGAN

MR. H. FREEMAN MATTHEWS,

etc., etc., etc.,

1, Grosvenor Square, W. 1.

ARMISTICE WITH ITALY

*Military armistice signed at Fairfield Camp, Sicily, September 3, 1943
Entered into force September 3, 1943*

*Supplemented by memorandum of agreement of September 23, 1943,¹
as amended, and by instrument of surrender of September 29,
1943,² as amended*

*Terminated September 15, 1947, upon entry into force of treaty of
peace of February 10, 1947³*

61 Stat. 2740; Treaties and Other
International Acts Series 1604

FAIRFIELD CAMP

SICILY

September 3, 1943

The following conditions of an Armistice are presented by

General Dwight D. Eisenhower,

Commander-in-Chief of the Allied Forces,

acting by authority of the Governments of the United States and Great Britain and in the interest of the United Nations, and are accepted by

Marshal Pietro Badoglio

Head of the Italian Government

1. Immediate cessation of all hostile activity by the Italian armed forces.
2. Italy will use its best endeavors to deny, to the Germans, facilities that might be used against the United Nations.
3. All prisoners or internees of the United Nations to be immediately turned over to the Allied Commander in Chief, and none of these may now or at any time be evacuated to Germany.
4. Immediate transfer of the Italian Fleet and Italian aircraft to such points as may be designated by the Allied Commander in Chief, with details of disarmament to be prescribed by him.
5. Italian merchant shipping may be requisitioned by the Allied Commander in Chief to meet the needs of his military-naval program.

¹ TIAS 1604, *post*, p. 771.

² TIAS 1604, *post*, p. 775.

³ TIAS 1648, *post*, vol. 4.

6. Immediate surrender of Corsica and of all Italian territory, both islands and mainland, to the Allies, for such use as operational bases and other purposes as the Allies may see fit.

7. Immediate guarantee of the free use by the Allies of all airfields and naval ports in Italian territory, regardless of the rate of evacuation of the Italian territory by the German forces. These ports and fields to be protected by Italian armed forces until this function is taken over by the Allies.

8. Immediate withdrawal to Italy of Italian armed forces from all participation in the current war from whatever areas in which they may be now engaged.

9. Guarantee by the Italian Government that if necessary it will employ all its available armed forces to insure prompt and exact compliance with all the provisions of this armistice.

10. The Commander in Chief of the Allied Forces reserves to himself the right to take any measure which in his opinion may be necessary for the protection of the interests of the Allied Forces for the prosecution of the war, and the Italian Government binds itself to take such administrative or other action as the Commander in Chief may require, and in particular the Commander in Chief will establish Allied Military Government over such parts of Italian territory as he may deem necessary in the military interests of the Allied Nations.

11. The Commander in Chief of the Allied Forces will have a full right to impose measures of disarmament, demobilization, and demilitarization.

12. Other conditions of a political, economic and financial nature with which Italy will be bound to comply will be transmitted at a later date.

The conditions of the present Armistice will not be made public without prior approval of the Allied Commander in Chief. The English will be considered the official text.

MARSHAL PIETRO BADOGLIO
Head of Italian Government

DWIGHT D. EISENHOWER
*General, U.S. Army,
Commander in Chief, Allied Forces*

By:

GUISEPPE CASTELLANO
*Brigadier General, attached to
The Italian High Command*

By:

WALTER B. SMITH
*Major General, U.S. Army,
Chief of Staff*

Present:

Rt. Hon. Harold Macmillan
British Resident Minister, A.F.H.Q.

Robert Murphy
*Personal Representative of the
President of the United States*

Royer Dick
*Commodore, R.N.
Chief of Staff to the C. in C. Med.*

Lowell W. Rooks
*Major General, U.S. Army
Assistant Chief of Staff, G-3
A.F.H.Q.*

Franco Montanari
Official Italian Interpreter

Brigadier Kenneth Strong
*Assistant Chief of Staff, G-3
A.F.H.Q.*

ARMISTICE WITH ITALY: EMPLOYMENT AND DISPOSITION OF ITALIAN FLEET AND MERCHANT MARINE (CUNNINGHAM-DE COURTEN AGREEMENT)

*Memorandum of agreement concluded at Taranto, Italy, September 23, 1943*¹

Entered into force September 23, 1943

*Amended by agreement of November 17, 1943*²

*Terminated September 15, 1947, upon entry into force of treaty of peace of February 10, 1947*³

61 Stat. 2766; Treaties and Other
International Acts Series 1604

OFFICE OF THE COMMANDER-IN-CHIEF,

MEDITERRANEAN.

23rd September, 1943

MEMORANDUM OF AGREEMENT ON THE EMPLOYMENT AND DISPOSITION OF THE ITALIAN FLEET AND MERCANTILE MARINE BETWEEN THE ALLIED NAVAL COMMANDER-IN-CHIEF, MEDITERRANEAN, ACTING ON BEHALF OF THE ALLIED COMMANDER-IN-CHIEF AND THE ITALIAN MINISTER OF MARINE

The armistice having been signed⁴ between the Head of the Italian Government and the Allied Commander-in-Chief under which all Italian war-

¹ There is apparently no signed copy of this agreement between Sir Andrew Cunningham, Allied Naval Commander in Chief, Mediterranean, acting on behalf of the Allied Commander in Chief, and Admiral Rafaella de Courten, Italian Minister of Marine. On Aug. 8, 1944, in response to a query from the Italian Foreign Office, Admiral de Courten wrote, "The agreement made at Taranto September 23, 1943, with Admiral Cunningham is not registered in a document signed by the two parties. Admiral Cunningham submitted to me the draft agreement attached to my letter 1465/S of September 27, 1943, to the High Command; I made verbally the observation registered in the letter, receiving the replies therein reported. Even Marshal Bagdolio's adhesion was communicated verbally. It was therefore a 'gentlemen's agreement.'"

² TIAS 1604, *post*, p. 856.

³ TIAS 1648, *post*, vol. 4.

⁴ TIAS 1604, *ante*, p. 769.

ships and the Italian Mercantile Marine were placed unconditionally at the disposal of the United Nations, and H. M. The King of Italy and the Italian Government having since expressed the wish that the Fleet and the Italian Mercantile Marine should be employed in the Allied effort to assist in the prosecution of the war against the Axis powers, the following principles are established on which the Italian Navy and Mercantile Marine will be disposed.

(A) Such ships as can be employed to assist actively in the Allied effort will be kept in commission and will be used under the orders of the Commander-in-Chief, Mediterranean as may be arranged between the Allied Commander-in-Chief and the Italian Government.

(B) Ships which cannot be so employed will be reduced to a care and maintenance basis and be placed in designated ports, measures of disarmament being undertaken as may be necessary.

(C) The Government of Italy will declare the names and whereabouts of

(i) Warships

(ii) Merchant ships

now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be without prejudice to negotiations between the Governments which may subsequently be made in connection with replacing losses of ships of the United Nations caused by Italian action.

(D) The Allied Naval Commander-in-Chief will act as the agent of the Allied Commander-in-Chief in all matters concerning the employment of the Italian Fleet or Merchant Navy, their disposition and related matters.

(E) It should be clearly understood that the extent to which the terms of the armistice are modified to allow of the arrangements outlined above and which follow, are dependent upon the extent and effectiveness of Italian co-operation.

2. *Method of Operation.* The Commander-in-Chief, Mediterranean will place at the disposal of the Italian Ministry of Marine a high ranking Naval officer with the appropriate staff who will be responsible to the Commander-in-Chief, Mediterranean, for all matters in connection with the operation of the Italian Fleet, and be the medium through which dealings will be carried out in connection with the Italian Mercantile Marine. The Flag Officer acting for these duties (Flag Officer Liaison), will keep the Italian Ministry of Marine informed of the requirements of the Commander-in-Chief, Mediterranean, and will act in close co-operation as regards issue of all orders to the Italian Fleet.

3. *Proposed disposition of the Italian Fleet.*

(a) All battleships will be placed on a care and maintenance basis in ports to be designated and will have such measures of disarmament applied as may be directed. These measures of disarmament will be such that the ships can be brought into operation again if it so seems desirable. Each ship will have on board a proportion of Italian Naval personnel to keep the ships in proper condition and the Commander-in-Chief, Mediterranean, will have the right of inspection at any time.

(b) *Cruisers.* Such cruisers as can be of immediate assistance will be kept in commission. At present it is visualised that one squadron of four cruisers will suffice and the remainder will be kept in care and maintenance as for the battleships but at a rather greater degree of readiness to be brought into service if required.

(c) *Destroyers and Torpedo Boats.* It is proposed to keep these in commission and to use them on escort and similar duties as may be requisite. It is proposed that they should be divided into escort groups working as units and that they should be based on Italian ports.

(d) *Small Craft.* M.A.S., Minesweepers, auxiliaries and similar small craft will be employed to the full, detailed arrangements being made with the Flag Officer (Liaison) by the Italian Ministry of Marine for their best employment.

(e) *Submarines.* In the first instance submarines will be immobilised in ports to be designated and at a later date these may be brought into service as may be required to assist the Allied effort.

4. *Status of Italian Navy.* Under this modification of the armistice terms, all the Italian ships will continue to fly their flags. A large proportion of the Italian Navy will thus remain in active commission operating their own ships and fighting alongside the forces of the United Nations against the Axis Powers.

The requisite Liaison officers will be supplied to facilitate the working of the Italian ships in co-operation with allied forces. A small Italian liaison mission will be attached to the Headquarters of the Commander-in-Chief, Mediterranean, to deal with matters affecting the Italian Fleet.

5. *Mercantile Marine.* It is the intention that the Italian Mercantile Marine should operate under the same conditions as the merchant ships of the Allied Nations. That is to say, all mercantile shipping of the United Nations is formed into a pool which is employed as may be considered necessary for the benefit of all the United Nations. In this will naturally be included the requirements for the supply and maintenance of Italy. The system will be analogous to that used in North Africa, where the North Africa Shipping Board controls all United States, British and French shipping under certain agreements which will have to be arranged in detail

in so far as Italian ships are concerned. While it may be expected that a proportion of Italian ships will be working within the Mediterranean and to and from Italian ports, it must be appreciated that this will not always necessarily be the case and ships flying the Italian flag may be expected to be used elsewhere as is done with the merchant ships of all the United Nations. Italian ships employed as outlined in this paragraph will be manned by crews provided by Italian Ministry of Marine and will fly the Italian flag.

ARMISTICE WITH ITALY: INSTRUMENT OF SURRENDER

*Instrument of surrender signed at Malta September 29, 1943; letter
from Commander in Chief of Allied Forces to Head of Italian
Government September 29, 1943*

Entered into force September 29, 1943

*Amended by protocol of November 9, 1943*¹

*Terminated September 15, 1947, upon entry into force of treaty of
peace of February 10, 1947*²

61 Stat. 2742; Treaties and Other
International Acts Series 1604

INSTRUMENT OF SURRENDER OF ITALY³

Whereas in consequence of an armistice dated September 3rd, 1943,⁴ between the United States and the United Kingdom Governments on the one hand and the Italian Government on the other hand, hostilities were suspended between Italy and the United Nations on certain terms of a military nature;

And whereas in addition to those terms it was also provided in the said Armistice that the Italian Government bound themselves to comply with other conditions of a political, economic and financial nature to be transmitted later;

And whereas it is convenient that the terms of a military nature and the said other conditions of a political, economic and financial nature should without prejudice to the continued validity of the terms of the said Armistice of September 3rd, 1943, be comprised in a further instrument;

The following together with the terms of the Armistice of September 3rd, 1943, are the terms on which the United States and United Kingdom Governments acting on behalf of the United Nations are prepared to suspend hostilities against Italy so long as their military operations against Germany

¹ TIAS 1604, *post*, p. 854.

² TIAS 1648, *post*, vol. 4.

³ By the protocol of Nov. 9, 1943, it was agreed that the title of this document should be changed to "Additional Conditions of Armistice With Italy."

⁴ TIAS 1604, *ante*, p. 769.

and her Allies are not obstructed and Italy does not assist these Powers in any way and complies with the requirements of these Governments.

These terms have been presented by GENERAL DWIGHT D. EISENHOWER, Commander-in-Chief, Allied Forces, duly authorised to that effect;

And have been accepted by MARSHAL PIETRO BADOGLIO, Head of the Italian Government.

1. (A) The Italian Land, Sea and Air Forces wherever located, hereby surrender unconditionally.

(B) Italian participation in the war in all Theaters will cease immediately. There will be no opposition to landings, movements or other operations of the Land, Sea and Air Forces of the United Nations. Accordingly, the Italian Supreme Command will order the immediate cessation of hostilities of any kind against the Forces of the United Nations and will direct the Italian Navy, Military and Air Force authorities in all Theaters to issue forthwith the appropriate instructions to those under their Command.

(C) The Italian Supreme Command will further order all Italian Naval, Military and Air Forces or authorities and personnel to refrain immediately from destruction of or damage to any real or personal property, whether public or private.

2. The Italian Supreme Command will give full information concerning the disposition and condition of all Italian Land, Sea and Air Forces, wherever they are situated and of all such forces of Italy's Allies as are situated in Italian or Italian occupied territory.

3. The Italian Supreme Command will take the necessary measures to secure airfields, port facilities, and all other installations against seizure or attack by any of Italy's Allies. The Italian Supreme Command will take the necessary measures to insure Law and Order, and to use its available armed forces to insure prompt and exact compliance with all the provisions of the present instrument. Subject to such use of Italian troops for the above purposes, as may be sanctioned by the Allied Commander-in-Chief, all other Italian Land, Sea and Air Forces will proceed to and remain in their barracks, camps or ships pending directions from the United Nations as to their future status and disposal. Exceptionally such Naval personnel shall proceed to shore establishments as the United Nations may direct.

4. Italian Land, Sea and Air Forces will within the periods to be laid down by the United Nations withdraw from all areas outside Italian territory notified to the Italian Government by the United Nations and proceed to areas to be specified by the United Nations. Such movement of Italian Land, Sea and Air Forces will be carried out in conditions to be laid down by the United Nations and in accordance with the orders to be issued by them. All Italian officials will similarly leave the areas notified except any who may be permitted to remain by the United Nations. Those permitted to remain will comply with the instructions of the Allied Commander-in-Chief.

5. No requisitioning, seizures or other coercive measures shall be effected by Italian Land, Sea and Air Forces or officials in regard to persons or property in the areas notified under Article 4.

6. The demobilization of Italian Land, Sea and Air Forces in excess of such establishments as shall be notified will take place as prescribed by the Allied Commander-in-Chief.

7. Italian warships of all descriptions, auxiliaries and transports will be assembled as directed in ports to be specified by the Allied Commander-in-Chief and will be dealt with as prescribed by the Allied Commander-in-Chief. (Note. If at the date of the Armistice the whole of the Italian Fleet has been assembled in Allied ports, this article would run—"Italian warships of all descriptions, auxiliaries, and transports will remain until further notice in the ports where they are at present assembled, and will be dealt with as prescribed by the Allied Commander-in-Chief.")

8. Italian aircraft of all kinds will not leave the ground or water or ships, except as directed by the Allied Commander-in-Chief.

9. Without prejudice to the provisions 14, 15 and 28 (A) and (D) below, all merchant ships, fishing or other craft of whatever flag, all aircraft and inland transport of whatever nationality in Italian or Italian-occupied territory or waters will, pending verification of their identity and status, be prevented from leaving.

10. The Italian Supreme Command will make available all information about naval, military and air devices, installations, and defences, about all transport and inter-communication systems established by Italy or her allies on Italian territory or in the approaches thereto, about minefields or other obstacles to movement by land, sea or air and such other particulars as the United Nations may require in connection with the use of Italian bases, or with the operations, security, or welfare of the United Nations Land, Sea or Air Forces. Italian forces and equipment will be made available as required by the United Nations for the removal of the above mentioned obstacles.

11. The Italian Government will furnish forthwith lists of quantities of all war material showing the location of the same. Subject to such use as the Allied Commander-in-Chief may make of it, the war material will be placed in store under such control as he may direct. The ultimate disposal of war material will be prescribed by the United Nations.

12. There will be no destruction of nor damage to nor except as authorized or directed by the United Nations any removal of war material, wireless, radio location or meteorological stations, railroad, port or other installations or in general, public or private utilities or property of any kind, wherever situated, and the necessary maintenance and repair will be the responsibility of the Italian authorities.

13. The manufacture, production and construction of war material and its import, export and transit is prohibited, except as directed by the United

Nations. The Italian Government will comply with any directions given by the United Nations for the manufacture, production or construction and the import, export or transit of war material.

14. (A) All Italian merchant shipping and fishing and other craft, wherever they may be, and any constructed or completed during the period of the present instrument will be made available in good repair and in seaworthy condition by the competent Italian authorities at such places and for such purposes and periods as the United Nations may prescribe. Transfer to enemy or neutral flags is prohibited. Crews will remain on board pending further instructions regarding their continued employment or dispersal. Any existing options to repurchase or re-acquire or to resume control of Italian or former Italian vessels sold or otherwise transferred or chartered during the war will forthwith be exercised and the above provisions will apply to all such vessels and their crews.

(B) All Italian inland transport and all port equipment will be held at the disposal of the United Nations for such purposes as they may direct.

15. United Nations merchant ships, fishing and other craft in Italian hands wherever they may be (including for this purpose those of any country which has broken off diplomatic relations with Italy) whether or not the title has been transferred as the result of prize court proceedings or otherwise, will be surrendered to the United Nations and will be assembled in ports to be specified by the United Nations for disposal as directed by them. The Italian Government will take all such steps as may be required to secure any necessary transfers of title. Any neutral merchant ship, fishing or other craft under Italian operation or control will be assembled in the same manner pending arrangements for their ultimate disposal. Any necessary repairs to any of the above mentioned vessels will be effected by the Italian Government, if required, at their expense. The Italian Government will take the necessary measures to insure that the vessels and their cargo are not damaged.

16. No radio or telecommunication installations or other forms of intercommunication, shore or afloat, under Italian control whether belonging to Italy or any nation other than the United Nations will transmit until directions for the control of these installations have been prescribed by the Allied Commander-in-Chief. The Italian authorities will conform to such measures for control and censorship of press and of other publications, of theatrical and cinematograph performances, of broadcasting, and also of all forms of intercommunication as the Allied Commander-in-Chief may direct. The Allied Commander-in-Chief may, at his discretion, take over radio, cable and other communication stations.

17. The warships, auxiliaries, transports and merchant and other vessels and aircraft in the service of the United Nations will have the right freely to use the territorial waters around and the air over Italian territory.

18. The forces of the United Nations will require to occupy certain parts

of Italian territory. The territories or areas concerned will from time to time be notified by the United Nations and all Italian Land, Sea and Air Forces will thereupon withdraw from such territories or areas in accordance with the instructions issued by the Allied Commander-in-Chief. The provisions of this article are without prejudice to those of article 4 above. The Italian Supreme Command will guarantee immediate use and access to the Allies of all airfields and Naval ports in Italy under their control.

19. In the territories or areas referred to in article 18 all Naval, Military and Air installations, power stations, oil refineries, public utility services, all ports and harbors, all transport and all intercommunication installations, facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the personnel required for working them. The Italian Government will make available such other local resources or services as the United Nations may require.

20. Without prejudice to the provisions of the present instrument the United Nations will exercise all the rights of an occupying power throughout the territories or areas referred to in article 18, the administration of which will be provided for by the issue of proclamations, orders or regulations. Personnel of the Italian administrative, judicial and public services will carry out their functions under the control of the Allied Commander-in-Chief unless otherwise directed.

21. In addition to the rights in respect of occupied Italian territories described in articles 18 to 20,

(A) Members of the Land, Sea or Air Forces and officials of the United Nations will have the right of passage in or over non-occupied Italian territory and will be afforded all the necessary facilities and assistance in performing their functions.

(B) The Italian authorities will make available on non-occupied Italian territory all transport facilities required by the United Nations including free transit for their war material and supplies, and will comply with instructions issued by the Allied Commander-in-Chief regarding the use and control of airfields, ports, shipping, inland transport systems and vehicles, intercommunication systems, power stations and public utility services, oil refineries, stocks, and such other fuel and power supplies and means of producing same, as United Nations may specify, together with connected repair and construction facilities.

22. The Italian Government and people will abstain from all action detrimental to the interests of the United Nations and will carry out promptly and efficiently all orders given by the United Nations.

23. The Italian Government will make available such Italian currency as the United Nations may require. The Italian Government will withdraw and redeem in Italian currency within such time limits and on such terms as

the United Nations may specify all holdings in Italian territory of currencies issued by the United Nations during military operations or occupation and will hand over the currencies withdrawn free of cost to the United Nations. The Italian Government will take such measures as may be required by the United Nations for the control of banks and business in Italian territory, for the control of foreign exchange and foreign commercial and financial transactions and for the regulation of trade and production and will comply with any instructions issued by the United Nations regarding these and similar matters.

24. There shall be no financial, commercial or other intercourse with or dealings with or for the benefit of countries at war with any of the United Nations or territories occupied by such countries or any other foreign country except under authorisation of the Allied Commander-in-Chief or designated officials.

25. (A) Relations with countries at war with any of the United Nations, or occupied by any such country, will be broken off. Italian diplomatic, consular and other officials and members of the Italian Land, Sea and Air Forces accredited to or serving on missions with any such country or in any other territory specified by the United Nations will be recalled. Diplomatic and consular officials of such countries will be dealt with as the United Nations may prescribe.

(B) The United Nations reserve the right to require the withdrawal of neutral diplomatic and consular officers from occupied Italian territory and to prescribe and lay down regulations governing the procedure for the methods of communication between the Italian Government and its representatives in neutral countries and regarding communications emanating from or destined for the representatives of neutral countries in Italian territory.

26. Italian subjects will pending further instructions be prevented from leaving Italian territory except as authorised by the Allied Commander-in-Chief and will not in any event take service with any of the countries or in any of the territories referred to in article 25 (A) nor will they proceed to any place for the purpose of undertaking work for any such country. Those at present so serving or working will be recalled as directed by the Allied Commander-in-Chief.

27. The Military, Naval and Air personnel and material and the merchant shipping, fishing and other craft and the aircraft, vehicles and other transport equipment of any country against which any of the United Nations is carrying on hostilities or which is occupied by any such country, remain liable to attack or seizure wherever found in or over Italian territory or waters.

28. (A) The warships, auxiliaries and transports of any such country or occupied country referred to in article 27 in Italian or Italian-occupied ports and waters and the aircraft, vehicles and other transport equipment of such

countries in or over Italian or Italian-occupied territory will, pending further instructions, be prevented from leaving.

(B) The Military, Naval and Air personnel and the civilian nationals of any such country or occupied country in Italian or Italian-occupied territory will be prevented from leaving and will be interned pending further instructions.

(C) All property in Italian territory belonging to any such country or occupied country or its nationals will be impounded and kept in custody pending further instructions.

(D) The Italian Government will comply with any instructions given by the Allied Commander-in-Chief concerning the internment, custody or subsequent disposal, utilisation or employment of any of the above mentioned persons, vessels, aircraft, material or property.

29. BENITO MUSSOLINI, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with.

30. All Fascist organisations, including all branches of the Fascist Militia (MVSN), the Secret Police (OVRA), all Fascist youth organisations will insofar as this is not already accomplished be disbanded in accordance with the directions of the Allied Commander-in-Chief. The Italian Government will comply with all such further directions as the United Nations may give for abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideology and teaching.

31. All Italian laws involving discrimination on grounds of race, color, creed or political opinions will insofar as this is not already accomplished be rescinded, and persons detained on such grounds will, as directed by the United Nations, be released and relieved from all legal disabilities to which they have been subjected. The Italian Government will comply with all such further directions as the Allied Commander-in-Chief may give for repeal of Fascist legislation and removal of any disabilities or prohibitions resulting therefrom.

32. (A) Prisoners of war belonging to the forces of or specified by the United Nations and any nationals of the United Nations, including Abyssinian subjects, confined, interned, or otherwise under restraint in Italian or Italian-occupied territory will not be removed and will forthwith be handed over to representatives of the United Nations or otherwise dealt with as the United Nations may direct. Any removal during the period between the presentation and the signature of the present instrument will be regarded as a breach of its terms.

(B) Persons of whatever nationality who have been placed under restriction, detention or sentence (including sentences in absentia) on account of their dealings or sympathies with the United Nations will be released under the direction of the United Nations and relieved from all legal disabilities to which they have been subjected.

(C) The Italian Government will take such steps as the United Nations may direct to safeguard the persons of foreign nationals and property of foreign nationals and property of foreign states and nationals.

33. (A) The Italian Government will comply with such directions as the United Nations may prescribe regarding restitution, deliveries, services or payments by way of reparation and payment of the costs of occupation during the period of the present instrument.

(B) The Italian Government will give to the Allied Commander-in-Chief such information as may be prescribed regarding the assets, whether inside or outside Italian territory, of the Italian state, the Bank of Italy, any Italian state or semi-state institutions or Fascist organisations or residents in Italian territory and will not dispose or allow the disposal, outside Italian territory of any such assets except with the permission of the United Nations.

34. The Italian Government will carry out during the period of the present instrument such measures of disarmament, demobilisation and demilitarisation as may be prescribed by the Allied Commander-in-Chief.

35. The Italian Government will supply all information and provide all documents required by the United Nations. There shall be no destruction or concealment of archives, records, plans or any other documents or information.

36. The Italian Government will take and enforce such legislative and other measures as may be necessary for the execution of the present instrument. Italian military and civil authorities will comply with any instructions issued by the Allied Commander-in-Chief for the same purpose.

37. There will be appointed a Control Commission representative of the United Nations charged with regulating and executing this instrument under the orders and general directions of the Allied Commander-in-Chief.

38. (A) The term "United Nations" in the present instrument includes the Allied Commander-in-Chief, the Control Commission and any other authority which the United Nations may designate.

(B) The term "Allied Commander-in-Chief" in the present instrument includes the Control Commission and such other officers and representatives as the Commander-in-Chief may designate.

39. Reference to Italian Land, Sea and Air Forces in the present instrument shall be deemed to include Fascist Militia and all such other military or para-military units, formations or bodies as the Allied Commander-in-Chief may prescribe.

40. The term "War Material" in the present instrument denotes all material specified in such lists or definitions as may from time to time be issued by the Control Commission.

41. The term "Italian Territory" includes all Italian colonies and dependencies and shall for the purposes of the present instrument (but without prejudice to the question of sovereignty) be deemed to include Albania. Provided however that except in such cases and to such extent as the United Nations may direct the provisions of the present instrument shall not apply in or affect the administration of any Italian colony or dependency already occupied by the United Nations or the rights or powers therein possessed or exercised by them.

42. The Italian Government will send a delegation to the Headquarters of the Control Commission to represent Italian interests and to transmit the orders of the Control Commission to the competent Italian authorities.

43. The present instrument shall enter into force at once. It will remain in operation until superseded by any other arrangements or until the voting into force of the peace treaty with Italy.

44. The present instrument may be denounced by the United Nations with immediate effect if Italian obligations thereunder are not fulfilled or, as an alternative, the United Nations may penalize contravention of it by measures appropriate to the circumstances such as the extension of the areas of military occupation or air or other punitive action.

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation, the decision of the Control Commission will prevail.

Signed at Malta on the 29 day of September, 1943.

Marshal PIETRO BADOGLIO
Head of the Italian Government

DWIGHT D. EISENHOWER
*General, United States Army,
Commander-in-Chief, Allied Force*

LETTER FROM COMMANDER IN CHIEF OF ALLIED FORCES TO HEAD
OF ITALIAN GOVERNMENT

29th September, 1943.

MY DEAR MARSHAL BADOGLIO.

The terms of the armistice to which we have just appended our signatures are supplementary to the short military armistice signed by your representative and mine on September 3rd, 1943. They are based upon the situation obtaining prior to the cessation of hostilities. Developments since that time have altered considerably the status of Italy, which has become in effect a co-operator with the United Nations.

It is fully recognised by the Governments on whose behalf I am acting that these terms are in some respects superseded by subsequent events and that several of the clauses have become obsolescent or have already been put into execution. We also recognise that it is not at this time in the power of the Italian Government to carry out certain of the terms. Failure to do so because

of existing conditions will not be regarded as a breach of good faith on the part of Italy. However, this document represents the requirements with which the Italian Government can be expected to comply when in a position to do so.

It is to be understood that the terms both of this document and of the short military armistice of September 3rd may be modified from time to time if military necessity or the extent of co-operation by the Italian Government indicates this as desirable.

Sincerely,

DWIGHT D. EISENHOWER.

General, United States Army.

Commander-in-Chief, Allied Forces.

His Excellency,

MARSHAL PIETRO BADOGLIO,

Head of the Italian Government.

WARTIME SUPPLIES FOR SOVIET UNION

*London protocol (third protocol) signed at London October 19, 1943
Operative July 1, 1943, to June 30, 1944*

Replaced by Ottawa protocol (fourth protocol) of April 17, 1945¹

Department of State, *Soviet Supply Protocols* (U.S. Government Printing Office, 1947), p. 49

THIRD PROTOCOL

The Government of the United States, the Government of the United Kingdom and the Government of Canada, recognising the outstanding contribution of the Union of Soviet Socialist Republics in the prosecution of the war against the common enemy, and desiring to continue to provide the Government of the Union of Soviet Socialist Republics with the maximum assistance possible in the form of military supplies, raw materials, industrial equipment and food, and the Government of the Union of Soviet Socialist Republics desiring to assist the Governments of the United States, the United Kingdom and Canada in meeting their war needs for raw materials and other supplies, have agreed as follows:

ARTICLE I

The Governments of the United States, the United Kingdom and Canada, undertake to make available for dispatch to the Government of the Union of Soviet Socialist Republics, during the period the 1st July, 1943, to the 30th June, 1944, the supplies mentioned in the schedules annexed hereto under the conditions stated therein.

ARTICLE II

The Governments of the United States and the United Kingdom will aid in the movement of the supplies offered, by furnishing shipping as set forth in the schedules annexed hereto, it being understood that these commitments as to shipping may be reduced if shipping losses, lack of escorts, deficiencies in the anticipated capacity of the available routes, the necessities of other operations, or the exigencies of the situation render their fulfilment impracticable.

ARTICLE III

The Government of the Union of Soviet Socialist Republics undertakes to make available for dispatch to the Governments of the United States, the

¹ *Post*, p. 1041.

United Kingdom, and Canada, within the period covered by the present protocol, such raw materials and other supplies as may be available and as are desired by the said Governments in the prosecution of the war.

ARTICLE IV

The financial arrangements concluded between the Government of the Union of Soviet Socialist Republics on the one hand and the Governments of the United States and the United Kingdom, respectively, on the other in connection with the supplies furnished in pursuance of the protocol signed between the parties in Washington on the 6th October, 1942,² shall continue to govern the provision of supplies furnished by the Governments of the United States and the United Kingdom in pursuance of the present protocol.

Any financial arrangements between the Government of the Union of Soviet Socialist Republics on the one hand and the Government of Canada on the other in connexion with the supplies to be furnished by the Government of Canada in pursuance of the present protocol shall be the subject of a separate agreement to be concluded between the Government of Canada and the Government of the Union of Soviet Socialist Republics.

ARTICLE V

The list of supplies in the schedules annexed hereto shall be subject to reallocation between the three supplying countries as they may decide between themselves in order to meet strategic, supply, or shipping exigencies. They shall, too, be liable to variation to meet unforeseen developments in the war situation. If shipping losses, production failures, or the necessities of other operations render their fulfilment prohibitive, it may be necessary to reduce them. On the other hand, if conditions permit, the Governments of the United States, the United Kingdom and Canada, will be glad to review the schedules from time to time for the purpose of increasing the quantities to be provided and delivered.

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

Done in London in quadruplicate on the 19th day of October, 1943, in the English language.

For the Government of the United States
of America:

JOHN G. WINANT

For the Government of Great Britain
and Northern Ireland:

OLIVER LYTTTELTON
ALEXANDER CADOGAN

For the Government of Canada:
VINCENT MASSEY

For the Government of the Union of
Soviet Socialist Republics:

F. GOUSEV
D. BORISENKO

² *Ante*, p. 724.

UNITED STATES SCHEDULE OF SUPPLIES AND SHIPMENTS
FOR THE THIRD SOVIET PROTOCOL

The United States Government undertakes to make available for shipment during the protocol period to the Union of Soviet Socialist Republics a total of 5,100,000 short tons of stores, of which approximately 2,700,000 short tons will be for shipment in Soviet flag vessels and 2,400,000 short tons for shipment in United States flag vessels. The foregoing availability will be reduced to the extent that offerings of other parties to the protocol are carried in the shipping referred to hereinafter.

The United States will supply the shipping tonnage which, with the Soviet tonnage presently employed, will lift 225,000 short tons per month via the Pacific route, on the understanding that the turn-around is to be of 90 days' duration and that the United States will lend every assistance to the Union of Soviet Socialist Republics in order that this may be achieved, and on the further understanding that, should any untoward events close the Pacific route to the Union of Soviet Socialist Republics or restrict its use, United States tonnage transferred to the Soviet flag for employment on this route will be used on other available routes to the Union of Soviet Socialist Republics for lifting protocol supplies, for the shipment of which the United States is responsible.

The United States will undertake to lift by either the Northern route or the Persian Gulf route, whichever in the light of changing conditions proves from time to time to be more efficient, a total of 200,000 short tons a month, providing such capacity proves to be available to the United States. Furthermore, if future conditions permit, the United States agrees to increase this amount as the over-all circumstances justify.

The foregoing commitments as to shipping will include the movement of supplies selected from Canadian offerings and from United Kingdom offerings of wool and lead originating in Australia and New Zealand, and such supplies originating in North America, as, by agreement between the Governments of the United States and United Kingdom, are to continue to be carried in United States vessels, as well as shipments from such sources as may become necessary in meeting the commitments of the United States. All shipping commitments are subject to the provisions of Article II of this protocol.

The Government of the United States offers the following schedule of supplies, aggregating some 7,080,000 short tons, from which it will be necessary for the Soviet Government to select, as promptly as practicable, a program of particular supplies for dispatch which does not exceed the shipping limitations outlined above, *i.e.*, 5,100,000 short tons, exclusive of fly-away airplanes, to which may be added 500,000 short tons for stockpile and carry-over, or a total of 5,600,000 short tons. This program should include all cargo to be transported in the shipping referred to above from the United States, or from other sources, after the 1st July, 1943, including protocol and non-

protocol items on hand, on order or to be ordered. Protocol and non-protocol material delivered but not exported as of the 30th June, 1943, will be available for selection within the limitations as to tonnage.

In the execution of the program of supplies listed in the attached schedule, the Government of the United States will be guided by the selections of the Government of the Union of Soviet Socialist Republics as described in the document dated the 1st September, 1943, annexed to this preamble.

It is appreciated that reasonable stockpiles of stores must be maintained in the United States so that the Union of Soviet Socialist Republics can, from month to month, select cargo for shipment that is most needed to meet the ever-changing requirements of war. However, the United States reserves the right to limit the size of such individual stockpiles, either by control of production or diversion of product, or both, when in its judgment such action is in the best interest of the common cause. In taking such action, due consideration will be given to the expressed needs of the Union of Soviet Socialist Republics.

When production is curtailed or material is diverted, the arrearages in the various items involved will be given all possible consideration in conformity with future realistic shipping programs, Soviet desires, other urgent war requirements and reasonable production schedules.

The offerings made in the United States schedule of supplies are subject to specifications which shall be in accord with current United States' conservation and production practices and practicable and specific material scheduling.

The United States stands ready, through appropriate officials, to discuss with Soviet representatives in Washington all detailed questions pertaining to the schedule of stores and services and any reasonable adjustments that may be desired.

Above all, the United States desires again to assure the Union of Soviet Socialist Republics that it has a full understanding of the vital importance of the Soviet front and the urgent necessities of moving supplies to it in the highest possible volume and in the shortest space of time.

It is desired to emphasize that the Government of the United States is not only willing but is very anxious to render the assistance outlined. The Soviet Government may rest assured that the provisions described in Articles II and V of this protocol will not be invoked by the Government of the United States unless developments definitely require it.

Annex to Preamble: United States Schedule of Supplies and Shipments

MEMORANDUM

Below is the answer of the Soviet Government to the proposals made by the Government of the United States regarding the Third Protocol:

"In view of the fact that the United States Government does not agree to make available shipping space trading under the United States flag in excess of 2,400,000 short tons for United States shipment to the Soviet Union under the Third Protocol through the Atlantic Ocean, the Soviet Government, with the purpose of reconciling of the amount of deliveries with available shipping facilities, agrees to decrease the program of supplies under the Third Protocol proposed by the United States Government from 7,080,000 tons to 5,600,000 tons, including 500,000 tons of stocks and carry-overs, by decreasing the quantities of the following items (in short tons) :

(a) Wheat and flour, 700,000 tons (including deliveries from Canada) instead of 1,680,000 tons.

(b) Concentrated foods, 177,000 tons instead of 252,000 tons.

(c) Ferrous metals, 500,000 tons instead of 710,000 tons.

(d) Petroleum products, 360,000 tons instead of 565,000 tons.

(e) Various chemicals, 9,200 tons instead of 18,800 tons.

At the same time the Soviet Government agrees to the above-mentioned decrease in the deliveries of the petroleum products on the provision that the Government of Great Britain will continue deliveries of aviation gasoline to the U.S.S.R. from Persia at the rate of 10,000 tons per month during the Third Protocol period, and the United States Government will replace these deliveries to England out of its own supplies without decreasing the above-mentioned amount of petroleum product deliveries to the U.S.S.R. from the United States of America.

The Government of the U.S.S.R., agreeing to decrease the program of deliveries under the Third Protocol, is relying upon the assurance of the United States Government that the United States agrees to increase the aforementioned amount of deliveries if conditions permit and circumstances justify it in future."

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS,
Washington, 1st September, 1943.

Armament and Military Equipment

(All Weights in Short Tons)

(Except as otherwise specified, amounts are to be provided in equal monthly instalments as nearly as practicable. The amounts offered below indicate all quantities to be made available during the Third Protocol period in addition to those quantities made available but unshipped on the 30th June, 1943.)

Airplanes.

Requested: 8,160.

Airplanes:

6,000 pursuit planes, "Aircobra."

1,200 light bombers, Type A-20.

600 medium bombers, Type B-25.

360 transport planes, Type C-46; C-47.

Spare Parts:

Spare engines { 30 percent of number of planes (for two-motor planes—
 Spare propellers { 30 percent per motor or 60 percent per two-motor plane).
 Airplane spare parts: 20 percent of value of plane.
 Engine spare parts: 15 percent of value of plane.
 Propeller spare parts: 15 percent of value of propeller.

Offered: 3,462. (Supplied with equipment and ammunition in accordance with United States standards.)

Airplanes:

1,200 fighters, 1-engine, Type P-39.
 600 fighters, 1-engine, Type P-40 N in first six months.
 1,200 light bombers, Type A-20.
 222 medium bombers, Type B-25.
 150 in first six months.
 72 in second six months.

240 medium transport planes, Type C-47.

The schedule of supply of aircraft during the second half of the Protocol Period will be reviewed in November, 1943.

In addition, in accordance with a previous agreement made with the United Kingdom, involving interchange of certain airplanes, the United States is to supply for the United Kingdom's account 150 P-39 or P-63 fighter airplanes per month.

Spare Parts:

To be supplied in accordance with United States standards which are equal to or in excess of amount requested. (Joint Aircraft Committee Case 1850, Revision B.)

Tanks.

Requested: None.

Offered: 2,000 medium tanks, M4A2, with ammunition and spare parts. Also 1,000 additional tanks to be placed in production for delivery the 1st July, 1944, to the 31st December, 1944.

Trucks.

Requested: 144,000.

Spare parts, 20 percent of value of trucks.

Offered: 132,000.

Delivery:

10,000 for each of first six months.
 12,000 for each of second six months.

Trucks to be supplied with spare parts according to United States standards, which are in excess of amount requested.

Scout Cars (Jeeps).

Requested: 24,000.

Spare parts at 20 percent of value of a jeep.

Offered: 24,000 ¼-ton 4 x 4 trucks.

Spare parts according to United States Standards, which are in excess of amount requested.

Additional items offered estimated to be undelivered on the 30th June, 1943, under Second Protocol: 4,500 Scout Cars M3A1. Shipping Weight: 31,050.

Prime Movers for Artillery.

Requested: 3,000.

1,680 tractors, medium.
 720 tractors, heavy.
 600 armoured half-tracks.

Spare parts, 20 percent of value of item.

Offered: 3,000.

1,680 tractors, medium M1.

720 tractors, heavy M1.

600 cars half-track M9. (Supplied with equipment and ammunition in accordance with United States Standards.)

Spare parts in accordance with United States Standards, which are in excess of amount requested.

Motorcycles.

Requested: 12,000.

Spare parts, 20 percent of value of motorcycle.

Offered: 12,000.

Spare parts in accordance with United States Standards, which are in excess of amount requested.

Powder.

Requested: 67,200 tons.

Offered: 72,700 tons.

Delivery:

5,600 tons in first month.

6,100 tons in each of remaining months.

Toluol.

Requested: 40,320 tons.

Offered: 40,320 tons.

Delivery:

6,720 tons in first quarter.

11,200 tons in each of last three quarters.

T.N.T.

Requested: 26,880 tons.

Offered: 26,880 tons.

Radio Stations, Radio Locators.

Requested: 15,700 units and other radio equipment.

Offered: 14,010 units and other radio equipment.

In addition, 430 units estimated to be undelivered on the 30th June, 1943, under Second Protocol.

Breakdown.

A.—Radio Stations, Output more than 1 kw.

Requested: 60.

Offered: 61.

Delivery:

1—50-kw. short-wave station in last quarter.

20—10 to 15 kw. transmitting and receiving sets.

10 in each of last 2 quarters.

39—2 to 3 kw. transmitting and receiving sets.

9 in second quarter.

15 in each of last two quarters.

1—RCA ET4331 in second quarter.

B.—Radio Stations, Output less than 1 kw.

Requested: 12,000.

Offered: 11,800.

Delivery:

1,000—SCR-299:

350 in first 6 months.

650 in second 6 months.

4,500—SCR-284:

2,300—set 19 British in first 6 months.

4,000—Pilot V-100:

3,000 in first 6 months.

1,000 in second 6 months.

Within the total offering of 11,800, the U.S.S.R. may select the whole or part of the following items as substitutes for those listed above:

95 SCR-177B:

Delivery:

40 in first quarter.

55 in second quarter.

560 SCR-274:

Delivery:

400 in first quarter.

160 in second quarter.

400 SCR-511:

Delivery:

150 in first quarter.

250 in second quarter.

4,800 SCR-610:

Delivery:

2,400 in each of first two quarters.

C.—Radio Receivers.

Requested: 2,000.

Offered: 2,000.

Delivery:

500 in second quarter.

750 in each of last two quarters.

Additional items offered estimated to be undelivered on the 30th June, 1943, under Second Protocol: 430.

Delivery:

20 Hallicrafter in second quarter.

10 RME—43 receivers in second quarter.

200 Bendix transmitters 2A-12B in first quarter.

200 Bendix receivers in third quarter.

D.—Aircraft Radio Locators.

Requested: 500.

Offered: (Under consideration).

E.—Ground Radio Locators.

Requested: 240.

Offered: (Under consideration).

F.—Radio Altimeters.

Requested: 500.

Offered: (Under consideration).

G.—Radio Beacons.

Requested: 250.

Offered: (Under consideration).

H.—Radio Direction-Finding Sets.

Requested: 150.

Offered: 150 SCR-551.

Delivery:

50 in each of last three quarters.

I.—Radio Tubes.

Requested: 2,400,000.

Offered: 2,400,000.

Delivery:

450,000 Metal Tubes in each of first two quarters.

475,000 Metal Tubes in each of second two quarters.

137,500 Glass Tubes in each quarter.

J.—Radio Measuring Equipment and Radio Parts.

Requested: \$3,000,000.

Offered: \$3,000,000.

Field Telephones.

Requested: 100,000 Units.

Offered: 100,000 Units EE-8A.

Teletype Apparatus.

Requested: 500 Units.

Offered: None.

Field Telephone and Telegraph Cables.

Requested: 186,000 miles.

Offered: 186,000 miles (Field Telephone wire, type 110-B).

Delivery:

75,000 miles in each of first two quarters.

18,000 miles in each of second two quarters.

Field Battery Charging Stations.

Requested: 4,000 Units.

Offered: 4,000 1½-kw. stations.

Delivery:

1,500 in each of first two quarters.

500 in each of second two quarters.

Submarine Cable.

Requested: 1,500 km.

Offered: 600 km.

Marine Cable.

Requested: 1,200 km.

Offered: 1,200 km.

Quartermaster Goods

Sole Leather.

Requested: 20,160 tons.

Offered: 18,000 tons.

Army Boots.

Requested: 3,600,000 pairs.

Offered: 3,600,000 pairs.

Woollen Cloth.

Requested: 18,000,000 yards.

Offered: 18,000,000 yards.

Cotton Cloth.

Requested: 25,000,000 yards.

Offered: 25,000,000 yards.

Additional offer of 1,045,000 yards estimated to be undelivered on the 30th June, 1943, under Second Protocol.

Tarpauline.

Requested: 3,000,000 yards.

Offered: 3,000,000 yards.

Webbing.

Requested: 6,000,000 yards.

Offered: 6,000,000 yards.

Additional offer of 6,000,000 yards estimated to be undelivered on the 30th June, 1943, under Second Protocol.

Medical Supplies

Medical Supplies.

Requested: \$12,000,000.

Offered: \$12,000,000.

Locomotives and Flat Cars

Locomotives.

Requested: 2,000 to 3,000.

Offered: 500 Minimum.

(Up to 700, if possible.)

Delivery:

To begin in third quarter.

Railroad Flat Cars.

Requested: 10,000.

Offered: 10,000.

Delivery:

2,400 in second quarter.

3,800 in each of last two quarters.

Naval Stores

(Except as otherwise specified, amounts are to be provided in equal monthly installments as nearly as practicable.)

(Quantities offered are in addition to prior protocol commitments to U.S.S.R. undelivered on the 30th June, 1943. See page 798.)

Minesweepers.

Requested: 22.

Offered: None.

(See additional offers below.)

Submarine Chasers (110 feet).

Requested: 12.

Offered: None.

(12 are being produced on non-protocol Soviet Requisition, with delivery scheduled for the last quarter of 1943.)

Sea-Going Tugs.

Requested: 20.

Offered: None.

(15 are being produced on non-protocol Soviet Requisition for export after 30th June, 1943.)

5"/38 Caliber Double Purpose Deck Guns.

Requested: 110.

Offered: None.

(It is estimated that 65 of 150 being produced under non-protocol Soviet Requisition will remain undelivered on 30th June, 1943.)

3"/50 Caliber Double Purpose Deck Guns.

Requested: 200.

Offered: 200.

Delivery second 6 months.

20-mm Oerlikon Guns.

Requested: 500.

Offered: 500.

Delivery in second 6 months.

50 Caliber Twin Machine Guns.

Requested: 900.

Offered: 900, together with ammunition according to United States standards.

Delivery:

150 in each of first 2 quarters.

300 in each of last 2 quarters.

5"/38 Caliber Ammunition.

Requested: 61,600 Rds.

Offered: None.

(Ammunition is being furnished for 150 guns being produced under non-protocol Soviet Requisition.)

3"/50 Caliber Ammunition.

Requested: 199,000 Rds.

Offered: 199,000 Rds.

20-mm Ammunition.

Requested: 2,500,000 Rds.

Offered: 2,500,000 Rds.

Marine Engines and Generators.

Requested: 2,562.

Offered: 606.

(See additional offers below.)

Breakdown.**A.—Marine Diesel Engines 1,600 h.p.**

Requested: 12 Units.

Offered: 6 Units.

(4 are to be produced on non-protocol Soviet Requisition for export after 30th June, 1943.)

B.—Marine Diesel Engines 1,200 h.p.

Requested: 100 Units.

Offered: 50 Units.

Delivery in second 6 months.

C.—Marine Diesel Engines 30–100 h.p.

Requested: 350 Units.

Offered: 200 Units.

Delivery in second 6 months.

(500 are to be produced on non-protocol Soviet Requisition for export after 30th June, 1943.)

(See additional offers below.)

D.—“Packard” Gas Engines 1,200 h.p.

Requested: 400 Units.

Offered: None.

(500 are to be produced on non-protocol Soviet Requisition for export after the 30th June, 1943.)

E.—Marine Wooden Gas Engines 30–50 h.p., Complete With Gas Products.

Requested: 800 sets.

Offered: None.

(Experimental model being produced under non-protocol Soviet Requisition.)

F.—Diesel Generators and Diesel Generator Compressors from 9 to 120 kw.

Requested: 600 Units.

Offered: 50 Units.

(Maximum of 15 to be over 100 kw. Capacity.)

(200 are to be produced on non-protocol Soviet Requisition for export after the 30th June, 1943.)

(See additional offers below.)

G.—Generators—1.5 to 4 kw., Diesel or Gasoline.

Requested: 300 Units.

Offered: 300 Units (Gasoline) (Commercial types).

Salvage Equipment.

Requested: 3,071 Units.

Offered: 805 Units.

(See additional offers below.)

Breakdown.**A.—Salvage Stations.**

Requested: 256 Units.

Offered: 40 Units.

(Depth not exceeding 200 feet; re-compression chambers excluded.)

Delivery, second 6 months.

(43 are to be produced on non-protocol Soviet Requisition for export after 30th June, 1943.)

B.—Portable Air Compressors, Complete With Engines.

Requested: 180 Units.

Offered: 60 Units.

Delivery, 10 each month in second 6 months.

C.—Pontoons (Capacity 5 to 200 Tons).

Requested: 600.

Offered: None.

(Construction in U.S.S.R. recommended because of difficulties of export due to size and weight.)

D.—Portable Water Pumps, Complete With Engines.

Requested: 1,000 Units.

Offered: 425 Units.

(3 to 10-inch pumps.)

Delivery in second 6 months.

E.—Underwater Electric Water Pumps.

Requested: 100 Units.

Offered: 100 Units.

(Capacity not to exceed 200 G.P.M.)

Delivery in May and June 1944.

F.—Electric Welding and Cutting Apparatus.

Requested: 120 Sets.

Offered: 60 Sets.

Delivery, 10 Sets each month in second 6 months.

G.—Electric and Pneumatic Underwater Tools.

Requested: 400 Sets

Offered: 60 Sets.

(Pneumatic.)

Delivery, 10 Sets each month in second 6 months.

H.—Portable Electric Stations Underwater Lighting.

Requested: 240 Sets.

Offered: 60 Sets.

(5 kw. Generator and 5 Underwater Lights.)

Delivery, 10 Sets each month in second 6 months.

I.—Gas Cutting Apparatus.

Requested: 120.

Offered: None.

(Same as item F above.)

J.—Metal Detectors.

Requested: 55.

Offered: None.

Schooners, Barges for Oil and Dry Cargo, and Tugs.

Requested: 180.

Offered: None.

Breakdown.

A. For Caspian Sea (To be delivered in fabricated state for assembly on the coast of the Caspian Sea).

1. Steel seagoing standard tugs, with draft 10-11 feet, power capacity 900-1,000 H.P.

Requested: 7.

Offered: None.

2. Steel self-propelled seagoing standard barges for oil, with draft not exceeding 12 feet, total cargo capacity 42,000 tons, cargo capacity of about 1,900 tons each.

Requested: 22.

Offered: None.

3. Steel seagoing standard barges for dry cargo, with draft not exceeding 11 feet, total cargo capacity of 38,000 tons, cargo capacity of about 1,900 tons each.

Requested: 20.

Offered: None.

B. For Far East (To be delivered fully assembled).

1. Steel seagoing standard tugs, with draft 15–16 feet, power capacity 900–1,000 H.P.
Requested: 3.
Offered: None.
2. Steel self-propelled seagoing standard barges for oil, with draft 15–16 feet, total cargo capacity of 6,000 tons.
Requested: 3.
Offered: None.
3. Steel self-propelled seagoing standard barges for dry cargo, with draft 15–16 feet, total cargo capacity of 10,000 tons.
Requested: 5.
Offered: None.
4. Wooden self-propelled seagoing standard schooners for dry cargo, with draft 15–16 feet, total cargo capacity of 120,000 tons, cargo capacity of about 1,000 tons each.
Requested: 120.
Offered: None.

Electrical Equipment.

Requested: 1,965 Units and other electrical material.
Offered: 1,040 Units and other electrical material.

Breakdown.

A.—Generators with Controllers, 1.5 to 25 kw.

Requested: 500.

Offered: 295.

(Not more than 20 per cent. to be of greater capacity than 15 kw.)

B.—Generators with Controllers, 25 to 100 kw.

Requested: 250.

Offered: 100.

(Not more than 25 per cent. to be of 75 kw. capacity or greater.)

C.—Motor Generators with Controllers, 1 to 10 kw.

Requested: 100.

Offered: 100.

D.—Motor Generators with Controllers, 10 to 75 kw.

Requested: 25.

Offered: 25.

(Not more than 10 units to be of 50 kw. capacity or greater.)

E.—Electric Motor with Controllers, 5 to 25 h.p.

Requested: 1,000.

Offered: 500.

(Not more than 20 per cent. to be of 15 h.p. capacity or greater.)

F.—Electric Motors with Controllers, 25 to 100 h.p.

Requested: 25.

Offered: 20.

(Not more than 25 per cent. to be of 75 h.p. or greater.)

G.—Storage Batteries for Submarines.

Requested: 65.

Offered: 0.

(See additional offers below.)

(In addition 65 are to be produced on non-protocol Soviet Requisition)

H.—Electric Instruments and Fixtures.

Requested: \$1,000,000.

Offered: \$100,000.

Additional Offer of Estimated Undelivered Balances as of 30th June, 1943, in Second Protocol

(Offerings to be reduced by the amounts that are made available prior to 30th June, 1943.)

<i>Item</i>	<i>Number</i>
1. Minesweepers -----	10
2. Marine Diesel Engines and Spares (170-1,100 h.p.) -----	254
3. Marine Diesel Engines and Spares (30-100 h.p.) -----	263
4. Marine Diesel Generators (25-300 kw.) -----	800
5. Marine Gasoline Engines and Spares -----	90
6. Marine Pumps and Spares (95-230 V) -----	257
7. Electric Motors and Spares (110-220 V) -----	1, 210
8. Turbo Generators (230 V) -----	10
9. Storage Batteries for Submarines -----	15
10. Electric Ventilating Sets -----	649
11. Scripps Engines -----	66
12. Air Tanks -----	15
13. Rotary and Change-over Switches -----	3, 000
14. Potassium Tetraoxide -----	41, 100 lbs.
15. Turbo Ventilators for Engine Room -----	8
16. Windlasses with motors -----	5
17. Auxiliary Equipment for Ships -----	10
18. Vertical Steam Boiler -----	10
19. Watertight Junction Boxes -----	240
20. Jetting Equipment for Salvage Operations -----	20
21. Submarine Rescue Chamber -----	1
22. Towing Winches (220 V) -----	10

Shipping Weight of Non-Protocol Items Being Procured on Soviet Requisitions

(All Weights in Short Tons)

Miscellaneous Naval Stores. Shipping Weight: 17,100.

Metals, Chemicals and Other Products

(All Weights in Short Tons)

(Except as otherwise specified, amounts to be provided in equal monthly installments as nearly as practicable.)

(The amounts offered below include quantities to be delivered during the Third Protocol period against new orders and old orders undelivered on 30th June, 1943.)

Duraluminum and Aluminum Ingots.

Requested: 80,640 tons.

Offered: 35,760 tons.

18,000 tons to be supplied by other parties to the Protocol.

(Subject to revision upwards as circumstances permit.)

Magnesium Metal.

Requested: 4,032 tons.

Offered: 4,032 tons.

Nickel.

Requested: 9,408 tons.

Offered: 6,600 tons.

3,600 tons in pig nickel.

600 tons in monel scrap.

2,400 tons maximum contained in steel and various non-ferrous products.

1,800 tons in pig nickel to be supplied by other parties to the Protocol.

Molybdenum Concentrates.

Requested: 4,480 tons.

Offered: 4,000 tons.

Copper Electrolytic.

Requested: 134,400 tons.

Offered: 134,400 tons maximum.

	<i>Tons, Maximum</i>
Copper in copper base alloys.....	75,264
Copper in copper brass mill products.....	15,000
Copper in copper cable and wire.....	20,000
Copper in submarine cable.....	50
Copper in power and related cable.....	21,395
Copper in marine cable.....	465

Zinc (Slabs).

Requested: 13,440 tons.

Offered: 13,440 tons.

Cobalt.

Requested: 161 tons.

Offered: 80.5 tons.

To be provided in first 6 months.

Other parties to the Protocol will supply the balance of the request.

Cadmium.

Requested: 224 tons.

Offered: To be supplied by other parties to the Protocol.

Copper Base Alloys (Brass and Bronze).

Requested: 107,520 tons.

Offered: 107,520 tons.

Copper Goods and Tubes (Copper brass mill).

Requested: 16,128 tons.

Offered: 15,000 tons.

Copper Cable and Wire.

Requested: 33,600 tons (Uninsulated copper wire).

Offered: 20,000 tons.

Ferro-Alloys.

Requested: 21,504 tons.

Offered: 14,784 tons.

Ferrosilicon 9,408 tons.

Ferrochrome 5,376 tons.

Other parties to the Protocol will supply the balance of the request. United States supplies to include existing stocks available but unshipped on the 30th June, 1943.

Nichrome Wire.

Requested: 538 tons.

Offered 538 tons.

Special Alloys Wire.

Requested: 269 tons.

Offered: 269 tons.

(Other than steel and alloys.)

(Subject to specifications as to types, quantities and delivery schedules.)

Steel and Steel Products.

Requested: 849,730 tons.

Offered: ³ 710,000 tons.

Breakdown.

A.—Carbon Steel.

Requested: 735,127 tons.

Offered: 595,397 tons.

470,270 tons, including rails and accessories and Arctic and fishing programs.

(Subject to the condition that present steel stocks held on U.S.S.R. account in the United States will be reduced to 250,000 tons and subject to the further condition that adequate production facilities are available.)

11,120 tons copper clad strip.

6,807 tons plain carbon tool steel and drill rod.

11,200 tons bullet core, plain carbon.

60,000 tons tin plate.

36,000 tons miscellaneous carbon steel, including nails, bolts, nuts and rivets.

B.—Alloy Steel.

Requested: 114,603 tons.

Offered: ³ 114,603 tons.

141 tons drill rods.

96 tons high speed.

45 tons alloy.

10,674 tons tool steel.

4,480 tons high speed.

672 tons alloy X12.

672 tons alloy X12M.

3,382 tons other alloys.

1,468 tons die blocks.

10,898 tons cold drawn alloy bars.

1,120 tons steel, grade 40XC.

1,120 tons steel, grade 20X3.

1,008 tons steel, grade 4134.

560 tons steel, grade 27CG.

1,680 tons steel, grade SAE5140.

930 tons steel, grade SAE4140.

4,480 tons steel, grade SAE52100.

67,569 tons hot rolled aircraft bars.

515 tons steel, grade EJ160.

1,344 tons steel, grade EJ161.

2,688 tons steel, grade 30CX10MA.

11,200 tons steel, grade 52100.

3,360 tons steel, grade SAE9260.

5,600 tons steel, grade 40XC.

8,960 tons steel, grade SAE5140.

8,960 tons steel, grade 20X3.

15,680 tons steel, grade 38XMJUA.

302 tons steel, grade CXB.

3,360 tons steel, grade EJ69 or SAE5700.

5,600 tons steel, grade SAE5130.

³ Plus undelivered balances as of 30th June 1943, of stainless tubing and hot rolled ball bearing tubing. [Footnote in original.]

2,671 tons stainless sheets.
336 tons stainless strip.
756 tons stainless bars.
6,563 tons ball wire.
 470 tons steel, grade BBX6.
 370 tons steel, grade BBX9.
 504 tons steel, grade BBX15.
 1,344 tons chrome vanadium wire (ASTM232).
 1,344 tons chrome moly wire (SAE4140).
 1,747 tons stainless wire.
 748 tons alloy wire (silicon manganese).
14,995 tons tubing.
 3 994 tons stainless tubing.
 8,625 tons 4-6 per cent. chrome tubing.
 3 5,376 tons hot rolled ball bearing tubing.

Other Materials, Including Steel Chains, Anchors, Screws, Other Metals and Their Products, and Nitrocellulose Base.

Requested: \$10,000,000.

Offered: \$5,000,000. (Subject to specifications as to types, quantities and delivery schedules.)
(Subject to revision upwards if circumstances permit.)

Petroleum Products.

Requested: 564,480 tons.

(120,000 tons of which to be delivered from United Kingdom stocks in Iran and to be replaced to United Kingdom by United States.)

Offered: 564,480 tons.

(120,000 tons of which to be delivered for United States account from United Kingdom stocks at Abadan and to be replaced to United Kingdom by United States.)

(Dependent upon ability to provide type of product requested.)

Phenol.

Requested: 13,440 tons.

Offered: 12,000 tons.

Ethylene Glycol.

Requested: 3,360 tons.

Offered: 3,360 tons.

Methanol.

Requested: 6,720 tons.

Offered: 6,720 tons.

Urotropine.

Requested: 6,720 tons.

Offered: 6,720 tons.

Glycerine.

Requested: 6,720 tons.

Offered: 6,720 tons.

3,360 in first six months.

3,360 tentative in second six months.

Caustic Soda.

Requested: 40,320 tons.

Offered: 40,320 tons.

Ethyl Alcohol.

Requested: 107,520 tons.

Offered: 107,520 tons.

Acetone.

Requested: 6,720 tons.

Offered: 6,720 tons.

Other Chemicals.

Requested: 12,096 tons.

Offered: 12,096 tons.

(Other than items specifically mentioned and subject to specifications as to types, quantities, and delivery schedules.)

Tires, Tubes and other Rubber Products (containing 36,000 tons of rubber).

Requested: 40,320 tons.

Offered: 40,320 tons (rubber or its equivalent).

(In addition to rubber and rubber products supplied with planes and other military vehicles.)

20,160 tons in first six months.

20,160 tons tentative in second six months.

Parchment Paper.

Requested: 1,680 tons.

Offered: 1,680 tons.

Condensor Paper.

Requested: 146 tons.

Offered: 146 tons.

Cigarette Paper.

Requested: 336 tons.

Offered: 336 tons.

Sheet Fiber.

Requested: 1,680 tons.

Offered: 1,000 tons.

Metallic Cloth and Screen.

Requested: 200,000 square meters.

Offered: \$1,000,000.

Industrial Equipment

(All Weights in Short Tons.)

Requests of the U.S.S.R. for industrial equipment, as listed below, total approximately \$700,000,000. These requests are in excess of quantities of previously approved orders remaining undelivered from factories on the 30th June, 1943, estimated at \$373,000,000. The amounts "offered" below, totalling approximately \$454,000,000 represent the total amounts of both old and new orders to be delivered from factories during the Third Protocol period providing new orders placed by the U.S.S.R. contain specifications, delivery schedules, and supplies acceptable to the United States.

In addition to the offerings listed below there will remain available to the U.S.S.R. delivered from factories but unexported as of the 30th June, 1943, equipment estimated at \$78,000,000.

In order to insure the constant flow of industrial equipment required for the U.S.S.R. war program, the United States will consider the approval of orders totaling not in excess of \$300,000,000 for delivery after the 30th June, 1944. These orders will be considered in addition to the quantities specified for delivery during the Third Protocol period provided that lists of all equip-

ment and projects be submitted to the United States for review and consideration and provided that, after review, it is found possible to incorporate such equipment and projects into United States production schedules.

Hard Alloys, Cutting and Measuring Tools.

Requested: \$21,000,000.

\$3,000,000 Hard Alloys and Cutting Tools.

\$18,000,000 Cutting and Measuring Tools.

Offered: \$21,000,000.

\$3,000,000 Cemented Carbide Tips and Blanks.

\$2,444,000 New Orders.

\$556,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$15,000,000 Cutting Tools.

\$13,200,000 New Orders.

\$1,800,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$3,000,000 Measuring Tools.

\$1,700,000 New Orders.

\$1,300,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

Abrasives.

Requested: 6,136 tons.

Offered: 4,000 tons Abrasive Grain.

3,600 tons New Orders.

400 tons Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$4,000,000 Abrasive Products.

\$2,300,000 New Orders.

\$1,700,000 Old Orders undelivered on the 30th June, 1943: (Estimated.)

Graphite Electrodes and Other Graphite Products.

Requested: 7,448 tons.

Offered: 8,568 tons.

5,757 tons Graphite Electrodes New Orders.

1,691 tons other Graphite Goods.

1,409 tons New Orders (subject to specifications as to types, quantities and delivery schedules).

282 tons Old Orders undelivered on the 30th June, 1943. (Estimated.)

1,120 tons Graphite Powder New Orders.

Bearings, Balls and Rolls.

Requested: 33,000,000 pieces.

5,000,000 Bearings.

28,000,000 Balls and Rolls.

Offered: \$15,000,000 anti-friction bearings, including balls and rolls, to be supplied from Old Orders undelivered on the 30th June, 1943.

Machine Tools.

Requested: \$228,621,550 (24,000 units).

Offered: \$120,000,000.

\$10,000,000 New Orders.

\$110,000,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

Presses, Forging and Rolling Mill Equipment.

Requested: \$82,000,000.

Offered: \$48,000,000.

\$16,000,000 Rolling Mills and Equipment.

\$11,000,000 New Orders, production of which will begin in 3rd quarter.

\$5,000,000 Old Orders undelivered on 30th June, 1943. (Estimated.)

\$30,000,000 Presses, Forges, Hammers and Related Equipment to be supplied from Old Orders undelivered on 30th June, 1943. (Estimated.)

\$2,000,000 Wire Drawing Equipment.

\$1,000,000 New Orders.

\$1,000,000 Old Orders undelivered on 30th June, 1943. (Estimated.)

Electric Furnaces.

Requested: \$12,000,000 (600 units).

Offered: \$12,000,000.

\$10,000,000 New Orders.

\$2,000,000 Old Orders undelivered on 30th June, 1943. (Estimated.)

Industrial Plants and Desalting Units.

Requested: 12 plants and desalting units.

Offered: As listed below.

Breakdown.**I. Synthetic Rubber and Alcohol Plants.**

Requested: 6.

1 Butadiene Plant 20,000-ton capacity.

1 Styrene Plant with 7,000-ton annual capacity.

1 Buna S Plant with 25,000-ton annual capacity.

1 Neoprene Plant with 10,000-ton annual capacity.

1 Butyl Rubber Plant with 3,000-ton annual capacity.

1 Synthetic Alcohol Plant with 20,000-ton annual capacity.

Offered: None.

(To be considered at a later date.)

II. Cord and Chafer Plant.

Requested: 1 with daily capacity of 47 tons of cord and 8 tons of chafer.

Offered: None.

III. Toluene Plant.

Requested: 1 with annual capacity of 20,000-30,000 tons.

Offered: None.

IV. Catalytic Cracking Units.

Requested: 2, each with annual capacity of 100,000 tons.

Offered: Under Study.

V. Catalyst Plant.

Requested: 1 to produce catalyst for Houdry Units.

Offered: Under Study.

VI. Petreco Desalting Units.

Requested: Sufficient for lubrication oil plant and refinery plants ordered in 1942.

Offered: Under Study.

VII. Phenol Plant.

Requested: 1.

Offered: None.

Airplane Propeller Plant.

Requested: 1 with annual capacity of 75,000 hollow-blade propellers.

Offered: Under Study.

Various Industrial Equipment.

Requested: \$132,000,000.

Offered \$132,000,000.

\$12,500,000 Excavators to be supplied from old orders undelivered the 30th June, 1943.

\$2,000,000 Truck and Tractor Cranes.

\$20,000,000 other Cranes, including portal, locomotive, floating, overhead and gantry cranes, trolleys for overhead cranes, monorail systems, &c.

Supply of the above two offerings for cranes will consist of \$7,600,000 new orders and \$14,400,000 old orders undelivered on the 30th June, 1943. (Estimated.)

\$9,000,000 Compressors, gas blowers, exhausters, and fans.

\$3,500,000 New Orders.

\$5,500,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$8,000,000 Pumps.

\$4,000,000 New Orders.

\$4,000,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$10,000,000 Mining Equipment, Ore Dressing, Handling and Transporting Equipment to be supplied from old orders undelivered on the 30th June, 1943. (Estimated.)

\$10,000,000 Equipment for Blast, Hearth and Coke Furnaces.

\$2,700,000 New Orders.

\$7,300,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$4,000,000 Welding Equipment.

\$1,200,000 New Orders.

\$2,800,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$3,000,000 Valves and Fittings.

\$200,000 New Orders.

\$2,800,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

\$12,000,000 Automatic Block Signal System from old orders undelivered on the 30th June, 1943. (Offering represents 3,000 km. Priority ratings to be assigned will be equivalent to those granted similar equipment being supplied domestic consumers.)

\$36,500,000 Auxiliary Industrial Equipment to be supplied from Old Orders undelivered on the 30th June, 1943. In addition to the above offer for auxiliary industrial equipment, there will remain undelivered on old orders on the 30th June, 1943, quantities estimated at \$64,000,000. It is requested that these orders be examined carefully in order that those no longer urgently needed may be cancelled. Such orders as are uncanceled will be allowed to remain in production under present priority ratings and will be made available when completed.

Power Equipment, Including Equipment and Boilers for Existing Plants.

Requested: \$135,000,000.

Offered: \$75,000,000.

\$57,000,000 New Orders.

\$18,000,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

Electric Power Cable.

Requested: 12,000 km.

Offered: 12,000 km.

Control Instruments and Testing Machines.

(Precision Measuring and Testing Machines and Instruments.)

Requested: \$2,000,000.

Offered: \$1,700,000.

\$840,000 New Orders.

\$860,000 Old Orders undelivered on the 30th June, 1943. (Estimated.)

Emergency Equipment.

Requested: \$60,000,000.

Offered: \$25,000,000 urgent emergency equipment.

Stockpiles

(All Weights in Short Tons.)

It is estimated that there will remain unexported as of the 30th June, 1943, the following:

Metals, Chemicals and Other Products.

Stockpile: 617,000 tons. Shipping Weight: 662,000.

Industrial Equipment.

Stockpile: 107,000 tons. Shipping Weight: 108,000.

Food Products

(Equal Monthly Installments.)

(All Weights in Short Tons.)

(The amounts offered below include quantities to be delivered during the Third Protocol Period.)

Wheat, Flour, Cereals, Rice and Beans.

Requested: 1,680,000 tons.

Offered: ⁴ 1,180,000 tons. ⁴ 473,280 tons wheat.

293,440 tons flour.

179,200 tons cereals.

49,280 tons rice.

151,200 tons beans.

33,600 tons peas.

Sugar.

Requested: 436,800 tons.

Offered: 436,800 tons.

112,000 tons United States Mainland.

324,800 tons other sources.

The possibilities of supplying a larger proportion from the United States Mainland are being studied.

Canned Meats.

Requested: 470,400 tons.

Offered: 224,000 tons.

Meat Products (Cured and Smoked Meats).

Requested: 0.

Offered: 20,000 tons.

Animal Fats and Fat Cuts.

Requested: 246,400 tons.

Offered: 327,200 tons.

288,000 tons animal fats and fat cuts:

39,200 tons butter.

Vegetable Oil and Products, including Shortening and Margarine.

Requested: 280,000 tons.

Offered: 225,000 tons.

Concentrates.

Requested: 178,080 tons.

Offered: 252,000 tons.

17,920 tons dry skim milk.

8,960 tons dry whole milk.

39,200 tons dried eggs.

13,440 tons sweetened condensed milk.

28,000 tons dehydrated vegetables.

26,880 tons dehydrated soups and cereals:

89,600 tons soya products.

16,800 tons cheese.

5,600 tons tomato paste.

5,600 tons concentrated juices.

Soap.

Requested: 22,400 tons.

Offered: 11,200 tons.

⁴ Other parties to the protocol will supply the balance of the request. [Footnote in original.]

UNITED KINGDOM SCHEDULE OF SUPPLIES AND SHIPMENTS

The Government of the United Kingdom undertake, subject to the provisions of the Protocol and to the marginal comments in respect of particular items, to make available for despatch to the Government of the Union of Soviet Socialist Republics during the period the 1st July, 1943, to the 30th June, 1944, the supplies set out below.

The Government of the United Kingdom undertake, subject to the provisions of Article II of the Protocol, to provide the shipping tonnage necessary, with any Soviet tonnage which may be available, to lift the supplies set out below save that such undertaking will not apply to lead and wool originating in Australia and New Zealand, nor to supplies originating in North America, which, by agreement between the Governments of the United States and United Kingdom, are to continue to be carried in United States ships. These supplies will be despatched either to the Persian Gulf or to Soviet Northern ports, whichever, in the light of changing circumstances, proves from time to time to be more practicable. In the choice of routes for the despatch of particular supplies, regard will be had to the wishes of the Soviet Government so far as the factors mentioned in Article II of the Protocol permit.

Except where otherwise stated, the amounts offered include any outstanding balances of items agreed to be supplied under the Second Protocol which were not shipped or booked for shipment on a named vessel before the 1st July, 1943, as well as any quantities of such items which have been lost in transit to the Union of Soviet Socialist Republics before the 1st July, 1943, where agreement to replace such losses has not been communicated to the Soviet authorities before the said date.

It is appreciated that reasonable stockpiles of stores must be maintained, so that the Union of Soviet Socialist Republics can, as shipping opportunities occur, select cargo for shipment that is most needed to meet the ever changing requirements of war. However, the United Kingdom reserves the right to limit the size of such individual stockpiles either by control of production or diversion of product or both, when in its judgment such action is in the best interest of the common cause. In taking such action due consideration will be given to the expressed needs of the Union of Soviet Socialist Republics.

Programme of Supplies From the United Kingdom to the Union of Soviet Socialist Republics During the Period 1st July, 1943, to 30th June, 1944

(All weights in long tons unless otherwise stated)

Group I.—Armaments and Military Equipment

1. Aircraft.—For the first six months, 150 Airacobras and 50 Hurricanes a month. In the second six months 150 Airacobras or type P. 63 and 50 fighter aircraft of British type.

(The aircraft of American type will be supplied in accordance with agreements made with the Government of the United States involving an exchange of certain aircraft from United Kingdom production.)

2. Tanks.—1,000 tanks (Valentines). Maintenance spares for twelve months will be supplied both for tanks and their guns in accordance with a generous comprehensive spare parts schedule based upon experience of the normal replacement requirements of the parts concerned.
3. Propellant.—
 - (a) R.S. type—2,250 short tons during the first six months in addition to about 2,500 short tons which had not been shipped by the 1st July, 1943.
 - (b) W.M. 017—1,600 short tons which had not been shipped by the 1st July, together with such surplus as is subsequently manufactured while production is being brought to an end.
4. Aviation Spirit.—10,000 tons a month to be made available at Abadan in accordance with an agreement with the United States Government, whereby the latter will make a similar quantity available to the United Kingdom Government out of the amount of aviation spirit allocated by the United States Government to the Government of the U.S.S.R.

Group II.—Various Materials

1. Tin.—6,000 tons. (Less any amounts over 6,000 tons received by the U.S.S.R. from China.)
2. Lead.—12,000 tons from Australia.
3. High-speed steel.—60 tons subject to specification.
4. Cobalt.—72 tons in second six months.
5. Industrial diamonds.—2,400,000 dollars, subject to specification.
6. Rubber.—12,000 tons for first six months from Ceylon so long as that source is open, and in addition to any balance of supplies under Second Protocol not shipped from Ceylon before the 1st July, 1943. Subsequent supply to be considered.
- * 7. Jute.—36,000 tons to be provided in whole or in part as articles made of jute so far as manufacturing capacity in India permits production of the articles desired by the U.S.S.R.
8. Sisal.—6,000 tons for second half of 1943, of which whole or part may be taken in manufactured goods subject to specifications being agreed, including 1,720 long tons already agreed to be supplied, but excluding any part of 1,000 short tons of Mexican Henequin which is being supplied by the United States.
- * 9. Shellac.—2,400 tons.
10. Wool.—24,000 tons. On a "scoured" basis from various sources.
11. Graphite.—1,200 tons. Dependent upon conditions in Ceylon.
12. Cresol.—190 tons in the first six months, subject to acceptance of the specification offered.

⁵ Dependent upon Indian conditions. [Footnote in original.]

Group III.—Industrial Equipment

	Quantity.	Specifica- tion No.	Delivery Date.
1. Machine Tools.....	3,000		
2. Steam-driven electric power units complete with boilers—			
25,000 k. w.	⁶ 7		
12,000 k. w.			
4,500 k. w.			
3. Small Stations—			
100/500 k. w.	50		
(Average 400 k.w.)			
4. Mobile Stations—			
5,000 k. w.	6		
2,500 k. w.	20		
1,000 k. w.	10		
5. Turbo-alternators—			
25,000 k. w.	2		
12,000 k. w.	2		
3,000 k. w.	2		
2,500 k. w.	5		
1,500 k. w.	5		
6. Steam Armature.....	75 per cent. in value of 7,650 units	183N, 184N 185N, 189N 196N, 197N 207N, 218N 258N	By November 1944. Delivery of the the remaining 25 per cent. will be con- sidered in six months' time.
7. Pumps.....	66 of which:		
12		250N	By June 1944.
34		294N	By February 1945.
8		"	By October 1944.
12		"	By November 1944.
Remaining units		206N, 212N 253N, 294N	In accordance with agreement to be reached.
8. Compressors.....		199N, 211N 214N, 228N	Delivery in accord- ance with agree- ment to be reached.
9. Electrical Equipment—			
(a) Power transformers....	144	194N, 210N 251N, 256N	By March 1945.
(b) Current and Potential Transformers	529	210N, 215N 216N	By April/May 1944.

⁶ One Station containing two 25,000 k.w. Turbo-alternators and five Stations each contain-
ing one 25,000 k.w. Turbo-alternator. [Footnote in original.]

	Quantity.	Specifi- cation No.	Delivery Date.
9. Electrical Equipment—Con.			
(c) Oil Circuit Breakers . . .	500 of which:	225N	
	100 against item 2		} By March 1945.
	25 against item 3		
	75 against item 4		
	100 against item 5		
	125 against item 6		
	75 against item 1		Delivery in ac- cordance with agreement to be reached.
(d) Isolating Switches	1,000	227N	By March 1945.
(e) Storage Batteries	10	234N	By April/May 1944.
(f) Relays	1,000		} By March 1945.
(g) Metal-clad Switchgears	500	187N, 259N	
(h) Alternators	90 of which:	230N	
	5 against item 1		} By July 1944.
	5 against item 2		
	15 against item 3		
	15 against item 4		
	15 against item 5		
	25 against item 1		} By December 1944.
	10 against item 2		
(i) Heavy Current Generators.	40 (36 per cent. of Soviet request) of which:	229N	
	10 against item 1		} By December 1944.
	10 against item 2		
	10 against item 3		
	10 against item 4		
(j) Motors and Starters.	85 per cent. in value of 20,000 motors and starters	219N, 245N 220N, 246N 221N	By July 1944.
(k) Motors and Starters	30 per cent. in value of	222N 223N	By July 1944.
	55 per cent. in value of	222N 223N	By December 1944.
(l) Sub-stations	150	235N	Delivery in accord- ance with agree- ment to be reached.
10. Mining and other Equipment—			
Electric Locomotives . .	150	165N, 198N 209N	By March 1945.
Electric Trucks	150 of which:	226N	
	130		By September 1944.
	20		Delivery in accord- ance with agree- ment to be reached.
Drill Sharpeners	50	203N	By May 1944.
Magnetic Separators . .	26	205N, 207N	By March 1945.

	<i>Quantity.</i>	<i>Specifica- tion No.</i>	<i>Delivery Date.</i>
10. Mining and other Equip- ment—Continued			
Shell Forging Installations.	2	200N	By November 1944.
Conveyors.....	40	244N	} Delivery in accord- ance with agree- ment to be reached.
Portal Cranes.....	20	231N	
Rolling Mills.....	5	232N	
11. Hydro-electric Plants—	30,000 k.w.	192N (part)	To be delivered by 31st March, 1945.

Group IV.—Quartermaster Goods—Nil

Group V.—Medical Supplies

The detailed list of Soviet requirements attached hereto is under examination. No overall commitment in terms of money can, however, be given.

[Group VI.]—Food Supplies

To be delivered in quantities to be agreed upon between the respective parties in accordance with shipping space in the tonnage referred to in the preamble to this schedule, and supplies available.

LIST OF SOVIET REQUIREMENTS FOR MEDICAL SUPPLIES MENTIONED IN GROUP V

Medical Instruments and Equipment

	<i>Quantity</i>
1. Syringes "Record" with two needles, sizes 2.0 c.c.—20.0 c.c.	95, 000
2. Syringes for tuberculin injection, sizes 0.5 c.c.—1.0 c.c.	5, 000
3. Needles with cannulae "Record," various sizes.....	1, 000, 000
4. Needles for blood transfusion.....	50, 000
5. Pean's artery forceps.....	50, 000
6. Halstead's artery forceps.....	
7. Adson's artery forceps.....	
8. Scissors, "Cooper".....	25, 000
9. Straight, blunt-pointed scissors.....	50, 000
10. Quartz-mercury-vapour lamp, portable, "Bach".....	
11. Straight dental handpieces for dental drilling machine.....	25, 000
12. Angular dental handpieces for dental drilling machine.....	25, 000
13. Hose for dental drilling machine.....	5, 000
14. Portable Primus stoves.....	1, 000
15. Electrocardiographs with accessories.....sets..	25
16. Electromagnets for removal of foreign substances from eyes, with recti- fier for 110–220 volt. type Millinger.....	50
17. Electric dental drilling machine with hoses and handpieces, 110–220 volt.....	500
18. Electric centrifuges (Sharpless) of different powers.....	10
19. Supercentrifuges of different powers.....	10
20. Portable X-ray units with generators.....	100
21. X-ray units, stationary.....	200

	Quantity
22. Large optometric glasses ⁷ sets . .	1, 000
23. Dental forceps sets . .	3, 000
24. Glasses for spectacles of different diopters (plus and minus) pairs . .	2, 000, 000
25. Cases of trial lenses	
26. Frames for spectacles	1, 000, 000
27. Eye prosthesis	
28. Observation cystoscopes with lamps and 12 spare lamps for each separately	300
29. Irrigation cystoscopes with lamps and 12 spare lamps for each separately	300
30. Catheteric cystoscopes with lamps and 12 spare lamps for each separately	200
31. Children's cystoscopes with lamps and 12 spare lamps for each separately	200
32. Diagnostic tubes for X-ray units	1, 000
33. Diagnostic Kenatron valves	1, 000
34. Saws, "Olivechirona"	
35. Conductors, "Martel," for saws, "Olivechirona"	
36. Lead glasses for translucent screens, 30 x 40 cm.	1, 000
37. Dental caoutchouc (Dentalit) tons . .	2
38. Dental cement, type Ercadent portions . .	20, 000
39. Dental cement, oxy-phosphate portions . .	20, 000
40. X-ray films boxes . .	10, 000
41. Safety pins	100, 000, 000
42. Rubber-proofed material for first-aid outfits metres . .	1, 000, 000
43. Pot-stills ⁷	
44. Forceps, "Borchard"	

Medicaments

45. Ascorbic acid	
46. Aspirin tons . .	100
47. Medical glucose tons . .	100
48. Insulin, 40 units per 1 c.c. botts . .	200, 000
49. Insulin, zinc, protamine botts . .	50, 000
50. Pure caffein tons . .	10
51. Pure codeine tons . .	2
52. Codeine phosphate ton . .	1
53. Novacaine (procaine hydrochloride) (see item 78)	
54. Luminal (Phenobarbitone) tons . .	3
55. Peptone tons . .	5
56. Chinosol (Pot. Hydroxyquinoline Sulphate) tons . .	0. 5
57. Nicotinic Acid tons . .	0. 1
58. Arabinose	
59. Mannite ton . .	1
60. Maltose	
61. Pancreatin tons . .	0. 5
62. Lactose	
63. Citric acid tons . .	15
64. Caustic potash tons . .	12. 5
65. Digalen tons . .	3
66. Pyridine (pure) tons . .	30
67. Salicylic acid tons . .	50
68. Acetanilide tons . .	100
69. Cocoa-butter tons . .	10
70. Peppermint oil ton . .	1
71. Calcined magnesia ton . .	1

⁷ Precise definition of these items awaited. [Footnote in original.]

	<i>Quantity</i>
72. Sodium citrate.....	tons.. 5
73. Sodium salicylate (theobromine diuretin) (see item 88).....	tons.. 25
74. Gold and sodium thiosulphate.....	ton.. 1
75. Sodium bromide.....	tons.. 20
76. Pyramidon (Amidopyrin).....	tons.. 20
77. Phenacetin.....	.....
78. Procaine hydrochloride (see item 53).....	tons.. 2
79. Rivanol.....	.....
80. Sulphanilamide (streptocide).....	tons.. 20
81. Sulphapyridine.....	.....
82. Soda crystals.....	tons.. 100
83. Lead acetate.....	ton.. 1
84. Salol.....	tons.. 25
85. Sulphathiazole.....	tons.. 5
86. Seeds of Nux vomica (Strychnine).....	tons.. 3
87. Strophantus seeds.....	tons.. 3
88. Theobromine sodium salicylate (Diuretin) (see item 73).....	tons.. 10
89. Tannin.....	tons.. 5
90. Chloramine.....	tons.. 50
91. Hexobarbitone sodium (Evipan sodium), 0.5 cc.....	ampoules.. 500, 000
92. Lobeline in ampoules.....	ampoules.. 10, 000, 000
93. Magnesium sulphate, 50 per cent. in ampoules 2.0 cc.....	ampoules.. 500, 000
94. Camphor in ampoules.....	ampoules.. 10, 000, 000
95. Ethyl chloride in ampoules.....	ampoules.. 2, 000, 000
96. Cardiamine (metrazol) in ampoules (see item 98).....	ampoules.. 1, 000, 000
97. Morphia in ampoules.....	ampoules.. 10, 000, 000
98. Cardiazol in ampoules (see item 96).....	ampoules.. 500, 000
99. Fuchsine (Magenta).....	.....
100. Eosin.....	.....
101. Serums for Catalepsy and gangrene (subject to specifications).....	.....

CANADIAN SCHEDULE OF SUPPLIES

Subject to the provisions of the Protocol, the Canadian Government undertakes to make available at Canadian ports of exit during the period the 1st July, 1943, to the 30th June, 1944, for shipment to the Union of Soviet Socialist Republics the supplies set out below. The items in this schedule of supplies are offered subject to the ability of Canada to meet the specifications requested by the Union of Soviet Socialist Republics.

It is appreciated that reasonable stockpile of stores must be maintained, so that the Union of Soviet Socialist Republics can select cargo for shipment that is most needed to meet the ever-changing requirements of war. However, Canada reserves the right to limit the size of such individual stockpiles either by control of production or diversion of product, or both, when in its judgment such action is in the best interest of the common cause. In taking such action due consideration will be given to the expressed needs of the Union of Soviet Socialist Republics:

1. Powder..... Up to 1,600 short tons per month.
 - (a) Cordite WM017 32" and 16" (16" 300 short tons, August.
not to be more than one-third of total). 300 short tons, September.
600 short tons, October.
600 short tons, November.

From November 1943 to 30th June, 1944, Canada will endeavour to supply at least 600 short tons per month (see note).

- (b) Pyroxyline powder for 3" gun, Pyroxyline powder for 90-mm. gun. 500 short tons per month (see note).
- (c) Nitroglycerine powder..... (Stick propellant) up to 400 short tons per month (see note).
- (d) Rifle Pyroxyline powder..... 100 short tons per month.

NOTES (a), (b) AND (c).—If arrangements can be worked out with the Government of the United States to increase the supply of (b) to the U.S.S.R., and if as a consequence the Canadian commitment under (b) is reduced, this may make it possible to increase the Canadian commitment under (a). The supply under (c) is dependent upon solving production problems.

2. Machine Tools..... { Maximum amount \$12,000,000 (covering
3. Industrial Machinery..... { machine tools and industrial machinery).
4. Medical Supplies..... Dependent upon supply position.
5. Aluminium Ingots..... 1,500 short tons per month.
6. Nickel..... 150 short tons per month.
7. Cadmium..... Up to 224 short tons for Protocol period.
8. Ferrosilicon..... 336 short tons per month.
9. Ferrochrome..... 224 short tons per month.
10. Wheat and Flour..... 300,000 short tons of wheat—to be included
in this quantity up to 200,000 short tons
of wheat flour. The tonnage of flour in-
cluded is dependent upon production
possibilities in Canada and upon firm
shipment commitment from the U.S.S.R.
Any flour or wheat shipments will be
charged against the Wheat Credit Agree-
ment dated the 8th September, 1942,
until the credit provided by Canada under
this agreement is exhausted.
11. Signal Cartridges 1"..... 90,000.
12. Lead..... 10,000 short tons in Protocol period. The
provision of additional 10,000 tons will be
considered in December 1943.
13. Flat Cars..... 2,000. The provision of an additional 2,000
will be considered in November 1943.
14. Rails (75 lbs. less accessories)..... 40,000 tons (10,000 per month in September,
October, November and December). The
provision of additional quantities will be
considered in October 1943.
15. Snowmobiles..... 6.
16. Ship Repairs..... The maximum dollar value is subject to
negotiations.
17. Cranes..... In an amount to be negotiated.

18. Lorries

(a) Mobile machine shops, work shops, &c.—up to 1,370 units. These items are included in a previous nonprotocol agreement between the U.S.S.R. and the United Kingdom and are being manufactured in Canada.

(b) 220 trailer gas welding units to accompany KL units in (a) above. This is an additional offer.

19. Bofors 40-mm. Guns and Ammunition...

A firm offer cannot be made at present; if production of ammunition can be increased, the number of equipments and rounds of ammunition to be provided will be subject to negotiation.

20. Power Plants and Plant Equipment.....

Supply and maximum dollar value are subject to negotiation.

21. Mosquito Bombers.....

The possibilities of supply are dependent upon production. The request will be reconsidered in December 1943.

22. Wooden Minesweepers.....

10. The supply of this item depends upon the production programme of diesel motors which is under study. It will be reconsidered in December 1943.

NOTE.—Other items requested which, on account of production, and for other reasons, it will be necessary to review at a later date:

(1) Locomotive.

(2) 25-pdr. guns with self-propelled mounts.

MOSCOW CONFERENCE OF FOREIGN SECRETARIES, 1943

*Protocol signed at Moscow November 1, 1943, with annexes*¹
Entered into force November 1, 1943

1943 For. Rel. (I) 749

SECRET PROTOCOL²

of the Conference attended by the Secretary of State of the United States of America, Mr. Cordell Hull, the Secretary of State for Foreign Affairs of the United Kingdom, Mr. Anthony Eden, and the People's Commissar of Foreign Affairs of the Union of Soviet Socialist Republics, V. M. Molotov, which was held in Moscow from the 19th to the 30th October, 1943.

The following took part in the Conference:

U.S.A.	Mr. Harriman Major General Deane Mr. Hackworth Mr. Dunn Mr. Bohlen and experts
U.K.	Sir A. Clark Kerr Mr. Strang Lieutenant General Sir Hastings Ismay Mr. Wilson and experts
Soviet Union	Marshal Voroshilov Mr. Vyshinski Mr. Litvinov Mr. Sergeyev Major General Gryzlov Mr. Saksin and experts

¹ The Moscow Conference met from Oct. 19 to Oct. 30, 1943.

² For comment regarding the existence of two versions of the protocol, see 1943 For. Rel. (I) 749.

AGENDA

1. Consideration of measures to shorten the duration of the war against Hitlerite Germany and her Allies in Europe.

(Proposed by U.S.S.R.)

2. (a) Four-Nations Declaration concerning general security.

(Proposed by U.S.A.)

(b) The establishment of a Commission of the three Powers.

(Proposed by U.S.S.R.)

3. The setting up of machinery for dealing with questions requiring current and close collaboration, with particular reference to the functions and scope of the Politico-Military Commission in Algiers.

(Proposed by U.K.)

4. Exchange of views on the situation in Italy and the Balkans.

(Proposed by U.K.)

(a) Information about the position in Italy and the Balkans.

(b) Proposal of the U.S.S.R. about policy in regard to Italy.

(c) Proposal of the Soviet Government as regards the transfer to the Soviet Union of part of the Italian Navy (one battleship, one cruiser, eight destroyers, four submarines) and of the Merchant Fleet (to a total

See the Most Secret Protocol of the Conference.³

(a) The text of a declaration was agreed. The Declaration was signed on October 30th. (see annex 1).

(b) It was recognised as desirable that representatives of the United States of America, the United Kingdom and the Soviet Union should conduct, in a preliminary fashion, an exchange of views on questions connected with the establishment of an international organisation for the maintenance of international peace and security, the intention being that this work should be carried out in the first instance in Washington, and also in London and Moscow.

(a) It was decided to set up a European Advisory Commission in London (see annex 2).

(b) It was decided to set up an Advisory Council for Italy (see annex 3).

(a) A written and oral exchange of information took place.

(b) The text of a declaration was adopted (see annex 4).

(c) Mr. Eden and Mr. Hull did not raise any objection to the proposal of the Soviet Government but reserved their final answer.

³ *Post*, p. 835.

of 40,000 tons) which was at the disposal of the Anglo-American forces as a result of the capitulation of Italy.

5. Methods of dealing with current political and economic issues and those which may arise as the war progresses.

(Proposed by U.S.A.)

6. Attitude towards the French Committee with special reference to its position in Metropolitan France and the establishment of eventual French government.

(Proposed by U.K.)

7. A. Treatment of Germany and other enemy countries in Europe.

(a) International military, political, and economic control over Germany during the armistice period.

(b) Steps toward ultimate settlement of future status of German Government, frontiers and other questions, length of armistice period.

(Proposed by U.S.A.)

B. Agreement in principle in regard to treatment of Germany and other enemy countries in Europe.

(a) During the armistice period, e.g. control commission, etc.

(b) At peace settlement, e.g. frontiers, military occupation, disarmament, reparations, decentralization of the German Government etc. (Austria)

(Proposed by U.K.)

See the decision under point 3(a).

An exchange of views took place upon the document presented to the Conference by the Governments of the U.S.A. and the U.K.: "Basic scheme for Administration of liberated France" (see annex 5).⁴

In connection with questions put by the Soviet Delegation and observations made by them, the document in question was referred for examination to the European Advisory Commission.

An exchange of views took place, which showed identity of view on the main questions.

The question was referred for detailed study to the European Advisory Commission.

(b) The text of the declaration about Austria was adopted (see annex 6).

⁴ The American title of this document is "Civil Affairs for France". [Footnote in original.]

8. Question of agreements between the major and minor Allies on post-war questions.

(Proposed by U.K.)

9. Common policy towards Turkey.

(Proposed by U.K.)

10. Common policy in Persia.

(Proposed by U.K.)

11. Relations between the U.S.S.R. and Poland and policy in relation to Poland generally.

(Proposed by U.K.)

12. Future of Poland and Danubian and Balkan countries, including the question of confederations.

(Proposed by U.K.)

13. Peace feelers from enemy states.

(Proposed by U.K.)

An exchange of views took place. Note was taken of Mr. Eden's statement that he had no objection to the conclusion of the Soviet-Czechoslovak Treaty, the draft of which had been communicated to him.

The question was considered in the discussion on point 1.

The following proposal, which was worked out by a committee appointed by the Conference, was accepted: "(a) After an exchange of views, the Committee detects no fundamental difference in the policy towards Iran of any of the three Governments; (b) the Committee was unable to reach agreement on the expediency of making any immediate declaration or declarations with regard to Iran; (c) the issue of such a declaration or declarations might be further considered by the representatives of the three Governments in Tehran, with a view to the three Governments coming to a decision about the expediency of issuing such a declaration or declarations after the signature of the proposed Irano-American Agreement⁵ and after appropriate consultation with the Government of Iran."

An exchange of views took place.

An exchange of views took place. Note was taken of the statement of the Soviet Delegation (see annex 7).

An exchange of views took place. The following resolution was adopted on the line to be taken in the event of

⁵ For correspondence on proposed agreement covering the presence of American troops in Iran, see 1943 For. Rel. (IV) 453.

14. Policy regarding Allied territory liberated through the advance of the Allied forces.

(Proposed by U.K.)

15. A. Post-war economic cooperation with the U.S.S.R.

(Proposed by U.K.)

B. Economic matters for reconstruction.

(Proposed by U.S.A.)

(a) Cooperation in the rehabilitation of war damage in the U.S.S.R.

(b) Joint action for assistance to other countries.

(c) Collaboration on an international basis dealing with matters such as food and agriculture, transport and communications, finance and trade, and the International Labor Office.

peace-feelers being received from enemy countries:

"The Governments of the United Kingdom, the United States of America and the Soviet Union agree to inform each other immediately of any peace-feelers which they may receive from the Government of, or from any groups or individuals in, a country with which any one of the three countries is at war. The three Governments further agree to consult together with a view to concerting their action in regard to such approaches."

An exchange of views took place. The question was referred to the European Advisory Commission.

It was considered necessary to continue the examination of the questions raised.

(a) It was considered desirable to start conversations between the People's Commissariat for Foreign Affairs and the United States Embassy in Moscow.

(b) The statement of the United States Secretary of State on paragraph (b) "Joint action for assistance to other countries" is attached to this Protocol (see annex 8).

(c) The memorandum of the United States Secretary of State on paragraph (c) "Bases of our program for international economic collaboration" is attached to this Protocol (see annex 9).

(d) Questions of reparations.

16. Common policy towards resistance movements in Yugoslavia.

(Proposed by U.K.)

17. Question of joint responsibility for Europe as against separate areas of responsibility.

(Proposed by U.K.)

18. Declaration about the responsibility of the Hitlerites for atrocities.

(Proposed by U.K.)

19. Mutual exchange of military information.

(Proposed by U.K.)

20. Publication of Conference documents.

(d) An exchange of views took place in the course of which there was some difference of opinion on some points in the memorandum which had been put forward.

This question was removed from the Agenda of the Conference at the suggestion of Mr. Eden.

This was dealt with under point 12 of the Agenda.

The text of a declaration was adopted (see annex 10).

The following resolution was adopted: "It is agreed that in order to ensure that all information regarding the common enemy is available to all the Allies engaged in his destruction, the Allies should keep each other mutually and constantly informed of all technical military information reaching them regarding the German Army, Navy and Air Force, the fighting value of enemy formations and the tactics used."

It was decided to publish the documents reproduced in annexes 1, 4, 6, and 10 to the present Protocol.

Signed at Moscow, November 1, 1943.

[For the United States:]
[For the Union of Soviet Socialist Republics:]
[For the United Kingdom:]

CORDELL HULL
V. MOLOTOV
ANTHONY EDEN

ANNEX 1

Declaration of Four Nations on General Security

The Governments of the United States of America, the United Kingdom, the Soviet Union and China;

united in their determination, in accordance with the Declaration by the United Nations of January 1, 1942,⁶ and subsequent declarations, to con-

⁶ EAS 236, *ante*, p. 697.

tinue hostilities against those Axis powers with which they respectively are at war until such powers have laid down their arms on the basis of unconditional surrender;

conscious of their responsibility to secure the liberation of themselves and the peoples allied with them from the menace of aggression;

recognizing the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments;

jointly declare:

1. That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

2. That those of them at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy.

3. That they will take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy.

4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

5. That for the purposes of maintaining international peace and security pending the reestablishment of law and order and the inauguration of a system of general security, they will consult with one another and as occasion requires with other members of the United Nations with a view to joint action on behalf of the community of nations.

6. That after the termination of hostilities they will not employ their military forces within the territories of other states except for the purposes envisaged in this declaration and after joint consultation.

7. That they will confer and cooperate with one another and with other members of the United Nations to bring about a practicable general agreement with respect to the regulation of armaments in the post-war period.

ANNEX 2

European Advisory Commission

1. The Governments of the United Kingdom, United States of America and the Soviet Union agree to establish a European Advisory Commission composed of representatives of the three Powers. The Commission will have its seat in London and will meet as soon as possible. The presidency will be held in rotation by the representatives of the three Powers. A joint secretariat

will be established. The representatives may be assisted where necessary by technical advisers, civilian and military.

2. The Commission will study and make joint recommendations to the three Governments upon European questions connected with the termination of hostilities which the three Governments may consider appropriate to refer to it. For this purpose the members of the Commission will be supplied by their Governments with all relevant information on political and military developments affecting their work.

3. As one of the Commission's first tasks the three Governments desire that it shall as soon as possible make detailed recommendations to them upon the terms of surrender to be imposed upon each of the European states with which any of the three Powers are at war, and upon the machinery required to ensure the fulfillment of those terms. The Commission will take into account, as part of the material for its study of these matters, the memorandum of July 1st,⁷ circulated by the United Kingdom Government to the Governments of the United States of America and the Soviet Union, regarding the principles which should govern the conclusion of hostilities with European enemy States. The Commission will also take account of the experience already gained in the imposition and enforcement of unconditional surrender upon Italy.

4. Representatives of the Governments of other United Nations will, at the discretion of the Commission, be invited to take part in meetings of the Commission when matters especially affecting their interests are under discussion.

5. The foregoing terms of reference will be subject to review by the three Governments if circumstances should arise which call for an extension of the membership and competence of the Commission.

6. The establishment of the Commission will not preclude other methods of consultation on current or other issues which the three Governments think it desirable to discuss. There may for example be questions calling for special consideration. These questions may be handled by tripartite discussions in one or other of the three capitals (Washington, London, or Moscow, as may be found most convenient) between the head of the Foreign Ministry and the permanent diplomatic representatives of the other two Governments.

7. There may also be questions calling for international or special tripartite conferences.

ANNEX 3

Advisory Council for Italy

1. An Advisory Council for Italy will be established forthwith, composed in the first instance of Representatives of the United Kingdom, the United States of America, the Soviet Union and the French Committee of National Liberation. Representatives of Greece and Yugoslavia will be added as full

⁷ 1943 For. Rel. (I) 708.

members of the Council as soon as practicable, in view of the special interests of these two countries arising from the aggressions of Fascist Italy upon their territory during the present war.

2. Each Representative will be assisted, where necessary, by a small staff of technical advisers, civilian and military. The Council will establish itself as soon as possible in Italy at the same place as the Headquarters of the Allied Commander-in-Chief.

3. The Council will keep itself closely informed of current Italian affairs and advise the respective Governments and the French Committee of National Liberation in regard to problems relating to Italy, other than military operational questions. The members of the Council will be supplied by the respective Governments and by the French Committee of National Liberation with all relevant information on political and military developments affecting their work. They will make joint or several recommendations to their Governments or to the French Committee, but will not have power to take final decisions. They will not, of course, concern themselves with the military functions of the Allied Commander-in-Chief.

4. The Council will have the duty in particular of watching the operation of the machinery of control in Italy which will be enforcing the terms of surrender.

5. The Council will advise the Allied Commander-in-Chief in his capacity as President of the Allied Control Commission on general policy connected with the work of control. For this purpose it will maintain close touch with the Allied Commander-in-Chief as President of the Control Commission and will have the right to ask him for information or explanations on matters affecting the Council's work. It will maintain close touch with such other technical inter-Allied bodies as may be established in Italy and will be entitled to obtain information and explanations from them on matters affecting its work.

6. The Allied Commander-in-Chief will continue as in the past to receive instructions from the United Kingdom and the United States Governments through the Combined Chiefs of Staff in Washington.

7. When, in the opinion of the Allied Commander-in-Chief, it is possible to bring direct military control of the Italian administration to an end, the Commander-in-Chief will relinquish the presidency of the Allied Control Commission. The Advisory Council for Italy will thereupon assume the direction of the work of the Allied Control Commission.

ANNEX 4

Declaration Regarding Italy

The Foreign Secretaries of the United States of America, the United Kingdom and the Soviet Union have established that their three Governments are

in complete agreement that Allied policy towards Italy must be based upon the fundamental principle that Fascism and all its evil influences and emanations shall be utterly destroyed and that the Italian people shall be given every opportunity to establish governmental and other institutions based upon democratic principles.

The Foreign Secretaries of the United States of America and the United Kingdom declare that the action of their Governments from the inception of the invasion of Italian territory, in so far as paramount military requirements have permitted, has been based upon this policy.

In the furtherance of this policy in the future the Foreign Secretaries of the three Governments are agreed that the following measures are important and should be put into effect:

1. It is essential that the Italian Government should be made more democratic by the introduction of representatives of those sections of the Italian people who have always opposed Fascism.

2. Freedom of speech, of religious worship, of political belief, of the press and of public meeting shall be restored in full measure to the Italian people, who shall also be entitled to form anti-Fascist political groups.

3. All institutions and organisations created by the Fascist regime shall be suppressed.

4. All Fascist or pro-Fascist elements shall be removed from the administration and from the institutions and organizations of a public character.

5. All political prisoners of the Fascist regime shall be released and accorded a full amnesty.

6. Democratic organs of local government shall be created.

7. Fascist chiefs and other persons known or suspected to be war criminals shall be arrested and handed over to justice.

In making this declaration the three Foreign Secretaries recognize that so long as active military operations continue in Italy the time at which it is possible to give full effect to the principles set out above will be determined by the Commander-in-Chief on the basis of instructions received through the Combined Chiefs of Staff. The three Governments parties to this declaration will at the request of any one of them consult on this matter.

It is further understood that nothing in this resolution is to operate against the right of the Italian people ultimately to choose their own form of government.

ANNEX 5

Civil Affairs for France

The primary purpose of the Allied landing in France will be the defeat of Germany. Subject only to this, it will be the object of the Allied forces to bring about the earliest possible liberation of France from her oppressors, and

the creation of conditions in which a democratically constituted French authority may be able to assume the civil administration. The ultimate aim of the Allies is the free and untrammelled choice by the French people of the form of Government under which they wish to live. Meanwhile and until this stage is reached, the largest measure of personal and political liberty compatible with military security shall be restored to the French people. As far as the over-riding interests of military operations allow, there shall be freedom of speech, of opinion, of the press and of correspondence. The French flag shall be used on French public buildings.

With these considerations in mind, the following principles may be laid down as governing the civil administration of liberated French territory on the mainland during the period of hostilities.

1. In all liberated areas the Supreme Allied Commander must, so long as and in so far as military necessity requires, have supreme authority in order that the prosecution of the war against Germany may continue unhampered.

2. The civil administration under the Supreme Allied Commander shall, as far as possible, be conducted by French citizens. The Director of Civil Affairs must be a French officer appointed by the Supreme Allied Commander from the French contingent or French Liaison Mission connected with the military operations in France.

3. The two Governments will inform the French Committee of National Liberation that the Supreme Allied Commander will invite the French military authorities to appoint a military mission on civil affairs to his headquarters. The Supreme Allied Commander shall in the planning of civil affairs consult the French military authorities appointed to assist in this work and give consideration to the policies recommended by them. When operations start, the French Military Liaison Mission shall be associated in the direction of civil affairs.

4. Military control of civil affairs will be of as short duration as is practicable. The time of termination of military control will be decided by C.C.S. [Combined Chiefs of Staff] on the recommendation of the Supreme Allied Commander.

5. If circumstances permit, the transfer of civil responsibility to French hands may be progressive.

6. In order to achieve the eventual aim of free and untrammelled choice by the French people of the form of government under which they wish to live, the Supreme Allied Commander shall do his best to hold the scales even between all French political groups sympathetic to the Allied cause.

7. One of the first tasks of civil affairs staff of the Supreme Allied Commander on entering French territory will be to establish relations with resistance groups within France and to secure their cooperation in civil matters.

8. The Supreme Allied Commander shall have no dealings or relations with the Vichy regime except for the purpose of liquidating it. He will not

retain or employ in any office any person who has wilfully collaborated with the enemy or who has deliberately acted in a manner hostile to the Allied cause.

ANNEX 6

Declaration on Austria

The Governments of the United Kingdom, the Soviet Union and the United States of America are agreed that Austria, the first free country to fall a victim to Hitlerite aggression, shall be liberated from German domination.

They regard the annexation imposed upon Austria by Germany on March 15th, 1938, as null and void. They consider themselves as in no way bound by any changes effected in Austria since that date. They declare that they wish to see reestablished a free and independent Austria, and thereby to open the way for the Austrian people themselves, as well as those neighboring states which will be faced with similar problems, to find that political and economic security which is the only basis for lasting peace.

Austria is reminded, however, that she has a responsibility which she cannot evade for participation in the war on the side of Hitlerite Germany, and that in the final settlement account will inevitably be taken of her own contribution to her liberation.

ANNEX 7

*The Future of Poland and Danubian and Balkan Countries, Including the Question of Federations*⁸

The Soviet Government consider the liberation of small countries and the restoration of their independence and sovereignty as one of the most important tasks in the post-war arrangement of Europe and in the creation of lasting peace. For this purpose the defeat of aggressive force, as a result of the victory of the Allies and the removal of the threat of new aggression, at any rate in the first years after the war, will create favorable conditions. The Soviet Government consider that the small countries will require some time, which cannot yet be definitely calculated and which will not be the same for all of them, to enable them fully to orientate themselves in the new situation created as a result of the war and in the re-created relationships with neighboring and other States, without being subjected to any outside pressure to join this or that new grouping of states. The premature and possibly artificial attachment of these countries to theoretically planned groupings would be full of danger both for the small countries themselves, as well as for the future peaceful development of Europe. Such an important step as federation with other states and the possible renunciation of part of their sovereignty is ad-

⁸ Statement of Soviet delegation.

missible only as a result of a free, peaceful and well-considered expression of the will of the people. It is to be feared that neither the existing *émigré* governments nor even the governments which will be set up immediately after the conclusion of peace under conditions still not sufficiently normal, will be able fully to ensure the expression of the real will and permanent aspirations of their people. The creation of such federations by the decisions of *émigré* governments, which, in virtue of their special situation, cannot be closely bound with their people, might be interpreted as imposing on the people decisions not in conformity with their wishes. It would be particularly unjust if countries which had become satellites of Hitlerite Germany should at once be placed, as equal members of any such federation, in conditions as favorable as those of other small states which had been the victims of attack and occupation at the hands, among others, of those same satellites, and thus freed from the consequences of their part in the Hitler-Mussolini crimes.

Moreover, some of the plans for federations remind the Soviet people of the policy of the "cordon sanitaire", directed as is known, against the Soviet Union and therefore viewed unfavorably by the Soviet people.

For these reasons the Soviet Government consider it premature from the point of view of the interests both of the small countries themselves, and of the general post-war settlement of Europe, now to plan and thus artificially to encourage combinations of any states in the form of federations and so forth. They will in due course be ready to re-examine this question in the light of the experience of post-war cooperation with other United Nations and of the circumstances which may arise after the war.

ANNEX 8

*Joint Action for Assistance to Other Countries*⁹

1. In the immediate post-war period, the most urgent matters of relief and rehabilitation in third countries presumably will be taken care of on a cooperative basis, mainly through the United Nations Relief and Rehabilitation Administration.

2. We believe that it would be desirable to have the longer-range work of reconstruction dealt with on a cooperative, joint-action basis. In this connection, economic and financial experts of the United States have given preliminary study to the possibility of setting up an international lending agency which would supplement the facilities which may be offered by private investors, private financial institutions, and governmental lending agencies.

3. The important question of the amount of aid for rehabilitation from the long-range viewpoint will of course have to be determined, from time to time in the future, by each Government in the light of developments relating

⁹ Statement of U.S. Secretary of State.

to the ability of a given nation to render material aid, while at the same time receiving the necessary support of public opinion.

ANNEX 9

*Bases of Our Program for International Economic Cooperation*¹⁰

The basic objective of our economic policy is to help create conditions which would enable each country after the war to restore its economic activity as rapidly and as effectively as possible, and thereafter to improve progressively its production, distribution, employment and living standards. All this requires a large measure of international cooperation in many directions.

The first obvious steps, some of which will need to be undertaken even before the attainment of complete victory, relate to international cooperation in providing relief and to cooperative arrangements for the handling of economic problems involved in the occupation of enemy territories and operations in liberated countries. Arrangements required for these purposes are now under way through the negotiations looking to the convocation of a United Nations Conference on Relief and Rehabilitation and through such measures as the creation of the Mediterranean Commission.

Beyond these steps, international cooperation in the economic field will be indispensable for the following purposes:

1. *Bringing about an expansion of international trade on a nondiscriminatory basis.* To this end we believe that consideration needs to be given to the following:

The conclusion of a general convention to which all of the important countries of the world would be parties, which would lay down the rules and principles that should govern trade relations between nations. Such a convention would contain provisions whereby each country would abstain from practices such as nations in the past have adopted in a futile attempt to benefit themselves at the expense of world trade and the welfare of other nations. It would make provision for concrete steps whereby the participating countries would abandon preferences and discriminations, reduce their trade barriers and refrain from export dumping practices. The agreement or agreements would be so drawn as to enable a state-trading country to adhere on an equitable basis.

2. *The orderly regulation and ultimately the elimination of arrangements, public or private, to restrict production and trade in individual commodities.* To this end we believe that consideration should be given the following:

a. The conclusion of special international agreements relating primarily

¹⁰ Memorandum of U.S. Secretary of State.

to the marketing of commodities in chronic over-supply or subject to extreme variation in prices.

b. International arrangements for the regulation of cartel activities.

3. The establishment of stable foreign exchange rates and of the interchangeability of currencies. To this end discussions are now in progress among the United Nations looking to the creation of an International Stabilization Fund.

4. Promotion of the development of resources and industries wherever international assistance is necessary for this purpose. To this end consideration is being given to the possibility of creating appropriate international investment agencies and other improved facilities for international investment and for exchange of technical information and personnel.

5. Improvement of facilities for shipping, air traffic and other means of transportation. This will involve:

a. International consideration of the reestablishment of the merchant fleets of the world, the adjustment of ship-building activity, and related topics.

b. International agreement on all aspects of commercial aviation, including passenger and freight traffic arrangements, landing rights, rights of transit, exchange of technical information, questions of subsidization.

c. Similar international discussions regarding problems involved in the improvement of other transportation facilities.

6. Improvement of means of telecommunication. This will require the extension of international collaboration already existing in this sphere.

7. Improvement of nutrition and consumption in general. The United Nations Conference on Food and Agriculture, held at Hot Springs, Virginia, May 18 to June 3, 1943, laid the foundation for international collaboration in this field with regard to the consumption of agricultural products. This work is being carried forward by the Interim Commission on Food and Agriculture. It looks forward to the promotion of appropriate domestic policies for each country and to the establishment of a permanent international organization in this field.

8. Improvement of labor standards and conditions. This involves primarily development of the work which has been well carried on by the International Labor Organization.

It is clear that in connection with most of these subjects there will be need for organized discussions among the United Nations, both informal and in formal conferences. We believe that the time has come for the establishment of a Commission comprising representatives of the principal United Nations and possibly certain others of the United Nations for the joint planning of the best procedures to be followed in these matters. Such a Commission might consist of technical economic experts of the United States, the United Kingdom, Soviet Union, China, and possibly certain other countries such as Canada, the Netherlands and Brazil.

Even before the establishment of such a Commission we believe it to be of the greatest importance that our government and the governments of each of the major United Nations should confer with each other on the technical level as freely and as promptly as possible with the view to exploring the problems which are bound to confront them and the world.

The Government of the United States has recently addressed an invitation to the Government of the Union of Soviet Socialist Republics to send to Washington a group of economic experts to engage in discussions with our experts of matters relating to Article VII of the Mutual Aid Agreement.¹¹ Similar invitations were extended to the Governments of the United Kingdom and of China.

In response to this invitation, the British Government has sent such a group of experts to Washington, and as a result a most fruitful informal interchange of views has taken place between us on many topics of basic importance in the fields of monetary stabilization, international investment, commercial policy, commodity arrangements and related questions.¹² These conversations provided an opportunity to discover the extent to which there is common ground and the extent to which there are differences of importance in the points of view of those whose expert advice may frequently be utilized in the formulation of policy.

It is particularly important that similar conversations be arranged soon between Soviet and American experts. It is our earnest hope, therefore, that the Soviet Government, which participated in the Hot Springs Conference and is now participating in the work of the Interim Commission and in the discussions relating to relief, will find it possible to arrange for such an interchange of views in the near future.

[ATTACHMENT]

Memorandum Concerning the Washington Meeting Between British and American Economic Experts With Reference to Article VII of the Mutual-Aid Agreement

In the informal discussions which ended on October 18 in Washington between United States and United Kingdom economic experts the following general topics were explored:

1. Commercial Policy.
2. International Commodity Arrangements.
3. Cartels.
4. Coordination of measures to promote employment.

¹¹ Preliminary agreement between the United States and the Soviet Union signed at Washington, June 11, 1942 (EAS 253), *post*, U.S.S.R.

¹² See attached Memorandum Concerning the Washington Meeting Between British and American Economic Experts with Reference to Article VII of the Mutual-Aid Agreement. [Footnote in original.]

Parallel with these discussions further exchanges of views took place at the Treasury with regard to monetary stabilization. There was also a preliminary exchange of views on the subject of promotion of international investment.

The following are brief summaries of the topics discussed under each of the four headings listed above. It will be noted that in each case no attempt was made to reach definite conclusions but rather to prepare an orderly agenda for further study by each of the respective governments and for possible further informal joint conversations.

1. Commercial policy.

Consideration was given to the relative effectiveness and feasibility of the multilateral as compared with the bilateral method for bringing about a reduction of tariffs. In this connection a number of formulas were examined and compared without, however, at this stage attempting a selection. Consideration was also given to the substantial abolition of preferences and discriminations and the question of the relation of action in this field to the reduction of tariff barriers.

The need for and feasibility of the abolition on a multilateral basis of quantitative restrictions on trade were examined. The question of abolishing export taxes and restrictions was similarly considered as was the general question of subsidies.

The subject of state trading of various types and the need for harmonizing the interests of countries employing such a system with those of other countries was examined. Although no attempt was made to reach definitive conclusions it was apparent from the discussions that this problem should present no great difficulties.

Finally, provisional consideration was given to the need for creating some international body to facilitate the application of such basic principles of commercial policy as may be developed.

2. International Commodity Arrangements.

The problems discussed were:

- (a) Short-term price fluctuations in primary products.
- (b) Periodic slumps in demand and in prices as related to the business cycle.
- (c) Excess capacity in relation to past stimulation of high-cost production and to special war-time measures affecting production.

Methods of dealing with these problems were considered, having regard to securing efficient production and, at the same time, to mitigating the hardship on producers in making adjustments to conform to demand.

The methods included:

- (a) Buffer stocks.
- (b) Quantitative regulation schemes.

The discussion included the possibility of stating principles which might govern arrangements for dealing with commodity problems and the possible relation of such arrangements to existing inter-governmental and private international commodity schemes and to other parts of the international economic system, including commercial policy agreements.

3. Cartels.

Consideration was given to problems likely to arise in the post-war world from the activities of international cartels. The interchange of views was not so extensive as in the case of the other topics discussed. It was agreed that much further discussion was needed. The officials recommended that each group separately should examine the problems arising from international cartels and appropriate measures, national and international, to solve them with a view to joint discussion at some future date.

Preliminary views were presented by the United States officials on the possible consequences of international cartels in obstructing production and trade and in endangering national and international security.

The United States officials proposed that further consideration should be given to the possibility of intergovernmental undertakings:

- (a) To register all non-governmental international agreements for the establishment of enduring relationships between private business enterprises;
- (b) To introduce measures to make information about registered agreements available to governments or to international institutions;
- (c) To prohibit practices by international cartels inimical to the expansion of production, trade and consumption including, *inter alia*, price fixing and restrictions on the exploitation of inventions.

4. Employment policies.

The problems discussed under the foregoing three heads relate to a wide complex of policies which influence the level of employment in individual countries and in the world as a whole. Some of these policies are of a domestic nature, but facilities should be provided for consultation and for the exchange of information between governments on these matters as well as on matters of a more directly international nature with a view to the harmonization of policies.

The experts therefore discussed:

- (a) The desirability of establishing an international advisory economic staff charged with the study of international economic questions with particular reference to the harmonization of measures, national and international, for the maintenance of high levels of productive employment.
- (b) The functions and organization of such a staff.
- (c) The character of the governing body to which it should be responsible.

ANNEX 10

Declaration of German Atrocities

The United Kingdom, the United States and the Soviet Union have received from many quarters evidence of atrocities, massacres and cold-blooded mass executions which are being perpetrated by the Hitlerite forces in the many countries they have overrun and from which they are now being steadily expelled. The brutalities of Hitlerite domination are no new thing and all the peoples or territories in their grip have suffered from the worst form of government by terror. What is new is that many of these territories are now being redeemed by the advancing armies of the liberating Powers and that in their desperation, the recoiling Hitlerite Huns are redoubling their ruthless cruelties. This is now evidenced with particular clearness by monstrous crimes of the Hitlerites on the territory of the Soviet Union which is being liberated from the Hitlerites, and on French and Italian territory.

Accordingly, the aforesaid three allied Powers, speaking in the interests of the thirty-two United Nations, hereby solemnly declare and give full warning of their declaration as follows:

At the time of the granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi party who have been responsible for, or have taken a consenting part in the above atrocities, massacres and executions, will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free governments which will be created therein. Lists will be compiled in all possible detail from all these countries having regard especially to the invaded parts of the Soviet Union, to Poland and Czechoslovakia, to Yugoslavia and Greece, including Crete and other islands, to Norway, Denmark, the Netherlands, Belgium, Luxembourg, France and Italy.

Thus, the Germans who take part in wholesale shootings of Italian officers or in the execution of French, Dutch, Belgian or Norwegian hostages or of Cretan peasants, or who have shared in the slaughters inflicted on the people of Poland or in territories of the Soviet Union which are now being swept clear of the enemy, will know that they will be brought back to the scene of their crimes and judged on the spot by the peoples whom they have outraged. Let those who have hitherto not imbrued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three allied Powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done.

The above declaration is without prejudice to the case of the major criminals, whose offences have no particular geographical localisation and who will be punished by the joint decision of the Governments of the Allies.

ROOSEVELT

STALIN

CHURCHILL

MOSCOW CONFERENCE OF FOREIGN SECRETARIES, 1943

*Protocol signed at Moscow November 1, 1943, with appendixes*¹
Entered into force November 1, 1943

1943 For. Rel. (I) 770

MOST SECRET PROTOCOL

of the Conference between the Secretary of State of the United States of America, Mr. Cordell Hull, the Secretary of State for Foreign Affairs of the United Kingdom, Mr. A. Eden, and the People's Commissar of Foreign Affairs of the Union of Soviet Socialist Republics, Mr. V. M. Molotov, which took place in Moscow from the 19th through the 30th of October, 1943.

The following took part in the discussions:

For the United States:

Mr. Harriman,
Major General Deane,
Brigadier General Vandenburg
[*Vandenberg*],
Captain Ware.

For the United Kingdom:

Sir A. Clark-Kerr,
Lieutenant General Ismay,

For the U.S.S.R.:

Marshal K. E. Voroshilov,
A. Ya Vyshinski,
Major General Gryzlov.

"THE CONSIDERATION OF MEASURES TO SHORTEN THE DURATION OF THE
WAR AGAINST HITLERITE GERMANY AND HER ALLIES IN EUROPE"

(Proposed by the Soviet Delegation on the 19th October, 1943)

On the question put on the agenda of the Conference of representatives of the Governments of the United States of America, United Kingdom and the Union of Soviet Socialist Republics by the People's Commissar of Foreign Affairs, V. M. Molotov on the 19th October, 1943, made the following proposals which were handed in writing to Mr. Anthony Eden and Mr. Cordell Hull:

¹ The Moscow Conference met from Oct. 19 to Oct. 30, 1943.

"For the purpose of shortening the duration of the war it is proposed :

(1) To put into effect such urgent measures on the part of the Governments of Great Britain and United States of America in 1943, which will ensure the invasion of Anglo-American armies into Northern France and which, together with the powerful blows of the Soviet forces against the main forces of the German army on the Soviet-German front, must radically undermine the military strategic situation of Germany and lead to a definite shortening of the duration of the war.

In this connection the Soviet Government considers it necessary to determine whether the statement made by Mr. Churchill and Mr. Roosevelt in the beginning of June, 1943, to the effect that Anglo-American forces will carry out the invasion of Northern France in the spring of 1944, remains in force.

(2) To propose to the Turkish Government on behalf of the three Powers that Turkey immediately enters the war.

(3) To propose to Sweden on behalf of the three Powers that she should provide the Allies with air bases for the struggle against Germany."

(a) With regard to point (1) of the proposals of the Soviet Delegation of 19th October 1943, the Minister of Foreign Affairs of Great Britain, Mr. Eden, and the Secretary of State of the United States of America, Mr. Hull, on the 20th October 1943, endorsed the statement made by the British Lt-General Ismay and the American Major-General Deane (see appendices: statement of Lt.-General Ismay and statement of Major-General Deane) as being an accurate presentation of the most recent decisions of their Governments, taken at the Quebec Conference in August 1943.²

With regard to the question put by the Soviet Delegation: whether the statement made by Mr. Churchill and Mr. Roosevelt in the beginning of June, 1943, to the effect that Anglo-American troops will carry

The People's Commissar of Foreign Affairs, V. M. Molotov, stated that the Soviet Government take note of Mr. Eden's and Mr. Hull's statements, as well as of the statements of Lt-General Ismay and Major-General Deane, and express the hope that the plan of invasion by Anglo-American troops of Northern France in the spring of 1944, contained in these statements, will be carried out on time.

² For a joint statement by President Roosevelt and Prime Minister Churchill at Quebec Aug. 24, 1943, see *Department of State Bulletin*, Aug. 28, 1943, p. 121.

out the invasion of Northern France in the spring of 1944, remains in force, Mr. Eden and Mr. Hull gave an affirmative reply declaring that the decision to undertake the invasion of Northern France in the spring of 1944 had been reaffirmed at the recent conference in Quebec, subject to the conditions quoted by General Ismay in his statement. Mr. Eden and Mr. Hull added that this decision has not been changed and that preparations to carry out the above mentioned operation are being pressed forward as rapidly as possible.

(b) With regard to points (2) and (3) of the proposals of the Soviet Delegation (regarding Turkey and Sweden)

(c) The United States delegates placed the following proposals before the conference.

(1) That, in order to effect shuttling of industrial Germany, bases be made available in the U.S.S.R. on which U.S. aircraft could be refueled, emergency repaired, and rearmed.

(2) That more effective mutual interchange of weather information be implemented. In order to effect this, it is essential that means of communication between the U.S.A. and the U.S.S.R. be strengthened.

(3) That air communication between these two countries be improved.

Mr. Hull, Mr. Eden, and V. M. Molotov recognise the desirability of the Governments of the United States of America, United Kingdom and Soviet Union continuing to study the question of Turkey and Sweden.

V. M. Molotov said that the U.S.S.R. agrees to the United States proposals in principle and that the appropriate Soviet authorities will be given instructions to meet with Generals Deane and Vandenberg for the consideration of concrete measures which would be necessary to carry out these proposals.

[For the United States:]
[For the Union of Soviet Socialist Republics:]
[For the United Kingdom:]

CORDELL HULL
V. MOLOTOV
ANTHONY EDEN

1 Nov. 1943.

APPENDIX 1

*Statement Made by Lt. Gen. Ismay Before Tripartite Conference
on October 20th, 1943*

I am instructed to address myself to the following proposal put forward by the Soviet Delegation:

"In order to shorten the duration of the war it is being proposed:

That the Governments of Great Britain and the U.S.A. take in 1943 such urgent measures as will ensure the invasion of Northern France by Anglo-American armies and, coupled with powerful blows of Soviet troops on the main German forces on the Soviet-German front, will radically undermine the military-strategical situation of Germany and bring about a decisive shortening of the duration of the war.

In this connection the Soviet Government deems it necessary to ascertain whether the statement made in early June, 1943, by Mr. Churchill and Mr. Roosevelt to the effect that Anglo-American forces will undertake the invasion of Northern France in the spring of 1944 remains valid."

The answer to both the points raised by the Soviet Delegation is provided by the decisions taken at the recent Anglo-American Conference at Quebec, which was presided over by the President of the United States and the Prime Minister of Great Britain and attended by the Chiefs of Staff of the two countries. Thus I shall be speaking on behalf of the American Delegation as well as the British Delegation; but my American colleague, General Deane, will, I hope, interrupt if I say anything with which he does not agree, and will in any case amplify and explain those matters which are predominantly American interests.

Let me say at the outset in all truth that at every single Anglo-American Conference since we have been in the war together, the thought uppermost in all our minds has been so to arrange our affairs as to ensure the maximum possible diversion of enemy land and air forces from the Russian front. I do not for a moment suggest that in so doing we have thought only of Soviet interests. On the contrary, it has been unanimously and invariably recognized as the soundest strategy in the interests of the Allies as a whole. Let me also say that the urgency of the business has always been present in our minds. Thus the following resolution was adopted at one of our earliest Conferences and was absolutely confirmed less than two months ago at Quebec:

The overall objective is—

"In co-operation with Russia and other Allies to bring about at the earliest possible date repeat at the earliest possible date the unconditional surrender of the Axis *in Europe*."

I should not, however, like it to be inferred that we can concentrate the whole of our combined resources against the Axis *in Europe*. It is essential

for us to maintain and extend unremitting pressure against Japan for the purpose of continually reducing her military power and attaining positions from which her ultimate surrender can be forced. If the Conference so desires, further information on this subject will be furnished by General Deane.

I now turn to describe the decisions taken at Quebec as to the operations to be undertaken in 1943-44 for the defeat of the Axis powers in Europe. First, there is the bomber offensive. I mention this first, as not only does it come first in chronological order, but it is an essential prerequisite to the invasion of North West Europe. It was decided that the progressive destruction and dislocation of the German military, industrial and economic system, the disruption of vital lines of communication and the reduction of German air combat strength by the prosecution on an ever increasing scale of the day and night bomber offensive against Germany and German Occupied Europe from all convenient bases, should continue to have the highest strategic priority.

As is well known, the American Air Force stationed in the United Kingdom carry out precision bombing by day whenever the weather is suitable, while the British Royal Air Force concentrate more particularly on area bombing against German war industry by night. The prodigious scale of the damage which has already been done is not generally recognized. The American Delegation have therefore brought with them an officer who can give as full details as the Conference may desire of the effects of the day bombing, while the British Delegation have similarly brought with them an officer who can unfold the story of the British night bombing offensive. The graph which I now pass round shows the steadily mounting weight of bombs that have been cast on German war industry by the Royal Air Force alone during the past few months. In August alone it amounted to over 20,000 tons. The graph also shows by way of contrast, the weight of bombs cast on England when the whole weight of the German Air Force was concentrated on us.

It is also to be noted that this combined bomber offensive is to be prosecuted from all convenient bases. It is hoped that shortly we will be in possession of airfields in the vicinity of Rome, which will enable us to attack important war industries in Southern Germany, Austria, Czechoslovakia and Rumania with almost the same intensity that we have been attacking Northern Germany during the past year. These industries have hitherto been out of reach or at extreme range.

I now turn to the cross-Channel operation which it has been decided to undertake in 1944. It has been decided that the invasion of Northern France by Anglo-American forces will be the primary U.S./British ground and air effort against the Axis in Europe in 1944. This invasion is to be launched as soon as practicable after weather conditions in the English Channel become favourable.

The scale of the initial assault is to a large extent dictated by the quantity of special assault shipping and special landing craft which is available when

the time comes. Both in the United States and in the United Kingdom the greatest efforts are being made to increase the production of these vital craft. The recent success of the antisubmarine campaign has enabled us to take the risk of turning over a larger part of our shipbuilding capacity to the construction of this type of vessel. It is to be remembered that these special craft are essential not only for the assault itself, but for maintaining and reinforcing the invading armies across open beaches until such times as deep water ports have been captured and put into order. At a conservative estimate, it is calculated that we will have to maintain and reinforce over the beaches for a period of two or three months. It is for this reason, apart from any other, that it is a physical impossibility to undertake the operation in the period of winter storms. Comparatively settled weather is essential.

I cannot yet give details of the scale of the initial assault as this is still under urgent and detailed examination, but our plans and preparations are based on being able to get about 18 divisions ashore after 14 days, together with an appropriate strength of supporting aircraft. After 90 days we hope to have 30 divisions ashore, again with an appropriate strength of supporting air formations. Thereafter three to five divisions per month will be sent from the United States direct to the theatre of operations.

The German strength in France and the Low Countries is estimated at 40 divisions at the present time, including coastal, G.A.F. [German Air Force] and training divisions. The beach and coast defences of France and the low Countries have been built up over the long period of German occupation. Our experience at Dieppe showed without any doubt that, even to gain a footing in North West Europe, is a most formidable operation. Moreover, the enemy disposes of excellent lateral communications across Europe which enable him to move reinforcements to the West by road and rail far quicker than we could reinforce our initial lodgments by sea. The enemy rate of reinforcement is thus limited by the availability of his forces and not by his communications.

In view of the above, it was agreed at Quebec that certain conditions must be present for the invasion to have a reasonable prospect of success. We are fairly confident that these conditions will be fulfilled.

First, there must be a substantial reduction in the strength of the German fighter force in North West Europe between now and the date of the assault. It is expected that the ever increasing Anglo-American bomber offensive will produce this result.

The second condition is that the German reserves in France and the Low Countries as a whole must not be more on the day of the assault than about 12 full strength, first quality, mobile divisions. This is of course exclusive of coastal, training and German Air Force divisions. Furthermore, it must not be possible for the Germans to transfer from

other fronts more than 15 first quality divisions during the first two months of the operations.

It is hoped that these conditions may be rendered possible by the following:

- (I) The softening effect of the Anglo-American bomber forces.
- (II) The maintenance of unremitting pressure by Anglo-American land and air forces in Italy.
- (III) Allied landings in Southern France—threatened or actual, synchronizing with the invasion of Northern France.
- (IV) Operations in the Balkans by guerilla forces which will be sustained by sea and by air.
- (V) And lastly, but of course by far the most important of all, co-ordinated pressure on the Eastern front by the Soviet forces.

The third condition is that the problem of beach maintenance of large forces in the tidal waters of the English Channel over a prolonged period must be overcome. The success of our plans depends on our ability to construct at least two artificial ports. The experiments which have been pursued for some time hold out good promise.

I now turn to the decisions covering operations in Italy. These were conceived in three phases.

- (I) *First phase:*
The elimination of Italy as a belligerent and establishment of air bases in the Rome area, and, if feasible, further north;
- (II) *Second phase:*
Seizure of Sardinia and Corsica;
- (III) *Third phase:*
The maintenance of unremitting pressure on German forces in Northern Italy and the creation of the conditions required for the cross-Channel assault and of a situation favorable for the eventual entry of our forces, including the bulk of the reequipped French Army and Air Force, into Southern France.

It is to be particularly noted that operations in Italy are to be carried out by the forces already in the Mediterranean theatre. Seven U.S. and British battle-trying divisions are to be brought back in the near future from the Mediterranean to the United Kingdom in order to form the spearhead for the assault across the Channel. These are divisions which have had experience in amphibious warfare. It has been laid down that, wherever there is a shortage of resources of any kind, the governing principle will be that they will

be distributed and employed with the main object of ensuring the success of the invasion of Northern France.

The operations described above will stretch our resources to the limit. It has therefore been decided that Operations in the Balkan area will be limited to the supply of the Patriot Armies by air and sea transport, to minor Commando forces and to the bombing of strategic objectives.

That concludes my survey of the decisions taken at Quebec. It remains to say a few words about the urgent measures which are being taken to give effect to these plans. In the first place, U.S. divisions are being concentrated in the United Kingdom at the greatest rate that shipping resources allow, and their training in amphibious operations pressed forward vigorously. General Deane will elaborate this point. Secondly, United States air forces in the United Kingdom are being reinforced at the greatest possible rate. General Deane will also speak on this point. Thirdly, it is scarcely an exaggeration to say that the United Kingdom is being turned into one vast airfield. Fourthly, a cross-Channel invasion on the scale contemplated against long prepared defences, manned by German troops, is an operation of a character which has never before been attempted in the history of war. It requires most extensive and elaborate administrative preparations at the ports of embarkation and on the lines of communication leading to the ports. All these measures are being pressed forward with the greatest vigour.

APPENDIX 2

Statements Made by Major General J. R. Deane, U.S.A., Before Conference 20 October 1943

In the first proposal submitted by the Soviet delegates they recommended that urgent measures be undertaken in 1943 which would insure an invasion of Northern France. I should like to outline some of the measures that are now under way.

In the first place we consider the combined bomber offensive from the United Kingdom as being by far the most positive and important preparation for a cross-channel operation. In this connection we should welcome an opportunity to make a complete presentation to you gentlemen, and to such others as you may wish, which would give a comprehensive picture of what has been accomplished in the bomber offensive and what is planned for the future. As a preview to this presentation I have asked General Vandenberg to present pictures of our most recent bombing operation against Marianburg. Target in this instance was the Focke-Wulf aircraft factory. It was moved to Marianburg by the Germans for security reasons. Its destruction was almost complete. This particular picture was selected as an illustration because the objective was the most distant from the United Kingdom that has been attacked thus far and also it is the closest to the Soviet front. (at this point Gen-

eral Vandenberg displayed several pictures of bombing operations and explained their significance.)

As I have said, our most urgent preparation for a cross-channel operation is the bomber offensive of the British-American air forces from the United Kingdom and from the Mediterranean. The mission of the offensive is the progressive destruction and dislocation of the German military, industrial, and economic systems, and the undermining of the morale of the German people to a point where their capacity for armed resistance is fatally weakened. It is estimated that the bomber offensive shall be far enough advanced by 1 May 1944 to permit the release of its entire strength to support a cross-channel operation. The build-up of the force necessary for the bomber operations will be, for the most part, accomplished by the addition of United States formations. At the present time the United States has in the neighborhood of 20 Groups of 4-engined heavy bombers in the United Kingdom. It is planned that this force will be expanded to approximately 48 Groups or approximately 2,300 aircraft by 1 April 1944. Planned fighter aircraft expansion will be from approximately 9 Groups at present in the United Kingdom to 31 Groups by 1 April 1944. This should amount to approximately 2,300 fighter aircraft by that date. The R.A.F. strength will be about the same and the existing formations will be maintained and kept at full operation strength.

The expansion indicated above is progressing on schedule, the necessary ground installations are being constructed, the ground crews and the operating personnel are being assembled. In order to furnish fighter support for the cross-channel operation it is necessary that approximately 100 additional airfields be constructed in Southern England. This construction is underway and will be completed prior to the time the operation is launched.

The cross-channel operation agreed upon calls for a build-up of 30 mobile infantry and armored divisions to be in the United Kingdom by April 1944. This force will include appropriate corps, armies, and service troops and will be utilized for securing the initial bridgehead.

The build-up of the ground and air force in Britain will necessitate transporting more than one million men from the United States to Great Britain in the next seven or eight months. This will require the unloading of 400 personnel ships and over 1,000 cargo vessels in the United Kingdom during that period. To do so will tax the port capacity of Britain to the utmost and require that it be diverted exclusively to this purpose.

Approximately 3,300 assault ships and craft will be necessary for the operation. To obtain these the landing craft program has been expanded 35% in the United States despite resulting dislocation in the over-all production program.

It must be expected that German forces will accomplish almost complete destruction of German port facilities in France prior to their capture. It will

therefore be necessary to support the operation initially over the beaches, a condition which will probably exist for the first 90 days of the occupation. In the early stages it is estimated that 15,000 tons of supplies per day will be necessary. This figure will increase as the operation expands.

I have presented but a few of the preparations that are now being made. I have selected them because they are of major importance, but as you know for an operation of the magnitude contemplated there are a great many others. The military mission of the United States in Moscow is authorized to keep the Soviet thoroughly informed as to the progress of our preparations. It is hoped that this mission will be utilized as a medium for closer collaboration between our respective staffs.

With a view to measures which might be adopted for hastening the conclusion of the war against Germany I have been authorized to make certain proposals which I shall read and then distribute the translation of them for your information. The proposals are as follows:

That, in order to effect shuttle bombing of industrial Germany, bases be made available in the U.S.S.R. on which U.S. aircraft could be refueled, emergency repaired, and rearmed.

That more effective mutual interchange of weather information be implemented. In order to effect this, that U.S.A. and U.S.S.R. communications be strengthened.

That improved air transport be effected between the two countries.

Later, in response to a question presented by Mr. Molotov as to the validity of the decision for a cross-channel operation I made the following statement:

The decision to undertake a cross-channel operation in the spring of 1944 was reaffirmed at the last conference in Quebec. Now it must be understood that such decision, as is the case with any military decision made far in advance, is subject to certain conditions existing at the time the operation is to take place. The conditions in this case have been stated to you. We confidently feel that these conditions will exist and are proceeding with full scale preparations to launch the attack. One can only appreciate the firmness of the decision by witnessing the intensive spirit with which preparations are now being carried out. I have spoken previously of the landing craft program which has recently been expanded in the United States. The effects of such a readjustment are felt not only in England but throughout the breadth of the United States including the California coast. Such a change in production affects the shipyards along the coast and the engine manufacturers in the middle west. It is inconceivable that such dislocation of industry would be permitted if the intention to launch the operation was questionable.

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

Agreement signed at Washington November 9, 1943

Entered into force November 9, 1943

*Terminated March 31, 1949*¹

57 Stat. 1164; Executive Agreement Series 352

AGREEMENT FOR UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

The Governments or Authorities whose duly authorized representatives have subscribed hereto,

Being United Nations or being associated with the United Nations in this war,

Being determined that immediately upon the liberation of any area by the armed forces of the United Nations or as a consequence of retreat of the enemy the population thereof shall receive aid and relief from their sufferings, food, clothing and shelter, aid in the prevention of pestilence and in the recovery of the health of the people, and that preparation and arrangements shall be made for the return of prisoners and exiles to their homes and for assistance in the resumption of urgently needed agricultural and industrial production and the restoration of essential services,

Have agreed as follows:

ARTICLE I

There is hereby established the United Nations Relief and Rehabilitation Administration.

1. The Administration shall have power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create agencies and to review the activities of agencies so created, to manage undertakings and in general to perform any legal act appropriate to its objects and purposes.

¹ Date of liquidation of UNRRA's assets pursuant to agreement of Sept. 27, 1948, between UNRRA and the United Nations providing for transfer to the U.N. of UNRRA's residual assets and activities (27 UNTS 349).

2. Subject to the provisions of Article VII, the purposes and functions of the Administration shall be as follows:

(a) To plan, coordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services; and to facilitate in such areas, so far as necessary to the adequate provision of relief, the production and transportation of these articles and the furnishing of these services. The form of activities of the Administration within the territory of a member government wherein that government exercises administrative authority and the responsibility to be assumed by the member government for carrying out measures planned by the Administration therein shall be determined after consultation with and with the consent of the member government.

(b) To formulate and recommend measures for individual or joint action by any or all of the member governments for the coordination of purchasing, the use of ships and other procurement activities in the period following the cessation of hostilities, with a view to integrating the plans and activities of the Administration with the total movement of supplies, and for the purpose of achieving an equitable distribution of available supplies. The Administration may administer such coordination measures as may be authorized by the member governments concerned.

(c) To study, formulate and recommend for individual or joint action by any or all of the member governments measures with respect to such related matters, arising out of its experience in planning and performing the work of relief and rehabilitation, as may be proposed by any of the member governments. Such proposals shall be studied and recommendations formulated if the proposals are supported by a vote of the Council, and the recommendations shall be referred to any or all of the member governments for individual or joint action if approved by unanimous vote of the Central Committee and by vote of the Council.

ARTICLE II

Membership

The members of the United Nations Relief and Rehabilitation Administration shall be the governments or authorities signatory hereto and such other governments or authorities as may upon application for membership be admitted thereto by action of the Council. The Council may, if it desires, authorize the Central Committee to accept new members between sessions of the Council.

Wherever the term "member government" is used in this Agreement it

shall be construed to mean a member of the Administration whether a government or an authority.

ARTICLE III

The Council

1. Each member government shall name one representative, and such alternates as may be necessary, upon the Council of the United Nations Relief and Rehabilitation Administration, which shall be the policy-making body of the Administration. The Council shall, for each of its sessions, select one of its members to preside at the session. The Council shall determine its own rules of procedure. Unless otherwise provided by the Agreement or by action of the Council, the Council shall vote by simple majority.

2. The Council shall be convened in regular session not less than twice a year by the Central Committee. It may be convened in special session whenever the Central Committee shall deem necessary, and shall be convened within thirty days after request therefor by one-third of the members of the Council.

3. The Central Committee of the Council shall consist of the representatives of China, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America, with the Director General presiding, without vote. Between sessions of the Council it shall when necessary make policy decisions of an emergency nature. All such decisions shall be recorded in the minutes of the Central Committee which shall be communicated promptly to each member government. Such decisions shall be open to reconsideration by the Council at any regular session or at any special session called in accordance with Article III, paragraph 2. The Central Committee shall invite the participation of the representative of any member government at those of its meetings at which action of special interest to such government is discussed. It shall invite the participation of the representative serving as Chairman of the Committee on Supplies of the Council at those of its meetings at which policies affecting the provision of supplies are discussed.

4. The Committee on Supplies of the Council shall consist of the members of the Council, or their alternates, representing those member governments likely to be principal suppliers of materials for relief and rehabilitation. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. The Committee on Supplies shall consider, formulate and recommend to the Council and the Central Committee policies designed to assure the provision of required supplies. The Central Committee shall from time to time meet with the Committee on Supplies to review policy matters affecting supplies.

5. The Committee of the Council for Europe shall consist of all the mem-

bers of the Council, or their alternates, representing member governments of territories within the European area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the European area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The Committee of the Council for the Far East shall consist of all the members of the Council, or their alternates, representing member governments of territories within the Far Eastern area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the Far Eastern area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The regional committees shall normally meet within their respective areas. They shall consider and recommend to the Council and the Central Committee policies with respect to relief and rehabilitation within their respective areas. The Committee of the Council for Europe shall replace the Inter-Allied Committee on European post-war relief established in London on September 24, 1941 and the records of the latter shall be made available to the Committee for Europe.

6. The Council shall establish such other standing regional committees as it shall consider desirable, the functions of such committees and the method of appointing their members being identical to that provided in Article III, paragraph 5 with respect to the Committees of the Council for Europe and for the Far East. The Council shall also establish such other standing committees as it considers desirable to advise it, and, in intervals between sessions of the Council, to advise the Central Committee. For such standing technical committees as may be established, in respect of particular problems such as nutrition, health, agriculture, transport, repatriation, and finance, the members may be members of the Council or alternates nominated by them because of special competence in their respective fields of work. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. Should a regional committee so desire, subcommittees of the standing technical committees shall be established by the technical committees in consultation with the regional committees, to advise the regional committees.

7. The travel and other expenses of members of the Council and of members of its committees shall be borne by the governments which they represent.

8. All reports and recommendations of committees of the Council shall be transmitted to the Director General for distribution to the Council and the

Central Committee by the secretariat of the Council established under the provisions of Article IV, paragraph 4.

ARTICLE IV

The Director General

1. The executive authority of the United Nations Relief and Rehabilitation Administration shall be in the Director General, who shall be appointed by the Council on the nomination by unanimous vote of the Central Committee. The Director General may be removed by the Council on recommendation by unanimous vote of the Central Committee.

2. The Director General shall have full power and authority for carrying out relief operations contemplated by Article I, paragraph 2 (a), within the limits of available resources and the broad policies determined by the Council or its Central Committee. Immediately upon taking office he shall in conjunction with the military and other appropriate authorities of the United Nations prepare plans for the emergency relief of the civilian population in any area occupied by the armed forces of any of the United Nations, arrange for the procurement and assembly of the necessary supplies and create or select the emergency organization required for this purpose. In arranging for the procurement, transportation, and distribution of supplies and services, he and his representatives shall consult and collaborate with the appropriate authorities of the United Nations and shall, wherever practicable, use the facilities made available by such authorities. Foreign voluntary relief agencies may not engage in activity in any area receiving relief from the Administration without the consent and unless subject to the regulation of the Director General. The powers and duties of the Director General are subject to the limitations of Article VII.

3. The Director General shall also be responsible for the organization and direction of the functions contemplated by Article I, paragraphs 2(b) and 2(c).

4. The Director General shall appoint such Deputy Directors General, officers, expert personnel, and staff at his headquarters and elsewhere, including field missions, as he shall find necessary, and he may delegate to them such of his powers as he may deem appropriate. The Director General, or upon his authorization the Deputy Directors General, shall supply such secretariat and other staff and facilities as shall be required by the Council and its committees, including the regional committees and subcommittees. Such Deputy Directors General as shall be assigned special functions within a region shall attend meetings of the regional standing committee whenever possible and shall keep it advised on the progress of the relief and rehabilitation program within the region.

5. The Director General shall make periodic reports to the Central Committee and to the Council covering the progress of the Administration's activities. The reports shall be made public except for such portions as the Central Committee may consider it necessary, in the interest of the United Nations, to keep confidential; if a report affects the interests of a member government in such a way as to render it questionable whether it should be published, such government shall have an opportunity of expressing its views on the question of publication. The Director General shall also arrange to have prepared periodic reports covering the activities of the Administration within each region and he shall transmit such reports with his comments thereon to the Council, the Central Committee and the respective regional committees.

ARTICLE V

Supplies and Resources

1. In so far as its appropriate constitutional bodies shall authorize, each member government will contribute to the support of the Administration in order to accomplish the purposes of Article I, paragraph 2 (a). The amount and character of the contributions of each member government under this provision will be determined from time to time by its appropriate constitutional bodies. All such contributions received by the Administration shall be accounted for.

2. The supplies and resources made available by the member governments shall be kept in review in relation to prospective requirements by the Director General, who shall initiate action with the member governments with a view to assuring such additional supplies and resources as may be required.

3. All purchases by any of the member governments, to be made outside their own territories during the war for relief or rehabilitation purposes, shall be made only after consultation with the Director General, and shall, so far as practicable, be carried out through the appropriate United Nations agency.

ARTICLE VI

Administrative Expenses

The Director General shall submit to the Council an annual budget, and from time to time such supplementary budgets as may be required, covering the necessary administrative expenses of the Administration. Upon approval of a budget by the Council the total amount approved shall be allocated to the member governments in proportions to be determined by the Council. Each member government undertakes, subject to the requirements of its constitutional procedure, to contribute to the Administration promptly its share of the administrative expenses so determined.

ARTICLE VII

Notwithstanding any other provision herein contained, while hostilities or other military necessities exist in any area, the Administration and its Director General shall not undertake activities therein without the consent of the military command of that area, and unless subject to such control as the command may find necessary. The determination that such hostilities or military necessities exist in any area shall be made by its military commander.

ARTICLE VIII

Amendment

The provisions of this Agreement may be amended as follows:

a. Amendments involving new obligations for member governments shall require the approval of the Council by a two-thirds vote and shall take effect for each member government on acceptance by it;

b. Amendments involving modification of Article III or Article IV shall take effect on adoption by the Council by a two-thirds vote, including the votes of all the members of the Central Committee;

c. Other amendments shall take effect on adoption by the Council by a two-thirds vote.

ARTICLE IX

Entry into Force

This Agreement shall enter into force with respect to each signatory on the date when the Agreement is signed by that signatory, unless otherwise specified by such signatory.

ARTICLE X

Withdrawal

Any member government may give notice of withdrawal from the Administration at any time after the expiration of six months from the entry into force of the Agreement for that government. Such notice shall take effect twelve months after the date of its communication to the Director General subject to the member government having met by that time all financial, supply or other material obligations accepted or undertaken by it.

IN WITNESS WHEREOF, this Agreement is signed by the following representatives, duly authorized for that purpose by their respective Governments or Authorities.

DONE in Washington this ninth day of November, one thousand nine hundred forty-three, in the English language, the original to be deposited in the archives of the Department of State of the United States of America,

and certified copies thereof to be furnished by the Government of the United States of America to each of the Governments and Authorities on whose behalf this Agreement is signed.

For Australia:

OWEN DIXON

Minister for Australia

For Belgium:

P. H. SPAAK

For Bolivia:

LUIS FERNANDO GUACHALLA

For the United States of Brazil:

E. PENTEADO

For Canada:

LEIGHTON MCCARTHY

For Chile:

This agreement will enter into effect with respect to Chile, in conformity with the provisions of its Constitution, once it has been approved by the Congress and ratified by the appropriate constitutional agencies of the Republic [translation].

RODOLFO MICHELS

For China:

T. F. TSIANG

For Colombia:

The plenipotentiary of Colombia signs with the reservation of subsequent approval by the Colombian Congress [translation].

A. VARGAS N.

For Costa Rica:

CARLOS M. ESCALANTE

For Cuba:

This agreement, subject to approval by the Senate of the Republic will be ratified by the Executive [translation].

A. F. CONCHESO

For Czechoslovakia:

JAN MASARYK

For the Dominican Republic:

JULIO VEGA BATLLE

For Ecuador:

Subject to ratification by the Congress of the Republic of Ecuador [translation].

S. E. DURÁN BALLÉN

For Egypt:

M. HASSAN

For El Salvador:

HÉCTOR DAVID CASTRO

For Ethiopia:

Subject to the ratification of the Imperial Ethiopian Government.

EPHREM T. MEDHEN

For the French Committee of National Liberation:

JEAN MONNET

For Greece:

K. VARVARESSOS

For Guatemala:

Pending the required approval by the National Assembly of Guatemala, the immediate application of this Agreement shall be considered provisional with regard to the Government of Guatemala.

ADRIAN RECINOS

For Haiti:

A. LIAUTAUD

For Honduras:

JULIÁN R. CÁCERES

For Iceland:

MAGNUS SIGURDSSON

For India:

This Agreement is signed subject to a reservation under Article IX that it shall enter into force with respect to the Government of India as soon as it has been approved by the Indian Legislature.

G. S. BAJPAI

For Iran:

This agreement shall enter into force immediately after its approval by the Iranian Chamber of Deputies.

M. SHAYESTEH

For Iraq:

ALI JAWDAT

For Liberia:

WALTER F. WALKER

For Luxembourg:

PIERRE DUPONG

For the United Mexican States:

Subject to ratification by the Senate of the United Mexican States [translation].

F. CASTILLO NÁJERA

For the Netherlands:

P. KERSTENS

For New Zealand:

GEOFFREY S. COX

For Nicaragua:

Ad referendum.

GUILLERMO SEVILLA SACASA

For Norway:

W. MUNTHE DE MORGENSTIERNE

For Panama:

JIMENEZ

For Paraguay:

CELSO R. VELÁZQUEZ

For Peru:

Under reserve of its constitutional ratification [translation].

M. DE FREYRE S.

For the Philippine Commonwealth:

S. OSMENA

For Poland:

JAN KWAPINSKI

For the Union of South Africa:

RALPH W. CLOSE

For the Union of Soviet Socialist Republics:

A. GROMYKO

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX

For the United States of America:

FRANKLIN D. ROOSEVELT

For Uruguay:

With the reserve that it shall not enter into force with respect to Uruguay until it has received legislative approval [translation].

J. C. BLANCO

For Venezuela:

The plenipotentiary of Venezuela signs the present agreement in the understanding that this is done subject to the ratification of the public powers of the nation, in conformity with Venezuelan constitutional procedure [translation].

DIÓGENES ESCALANTE

For Yugoslavia:

CONSTANTIN FOTITCH

ARMISTICE WITH ITALY: AMENDMENT OF INSTRUMENT OF SURRENDER

*Protocol signed at Brindisi, Italy, November 9, 1943, amending instrument of surrender of September 29, 1943*¹

Entered into force November 9, 1943

*Terminated September 15, 1947, upon entry into force of treaty of peace of February 10, 1947*²

61 Stat. 2761; Treaties and Other
International Acts Series 1604

PROTOCOL

It is agreed that the title of the document signed at Malta on September 29, 1943 by Marshal Pietro Badoglio, Head of the Italian Government, and General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, should be changed to "additional conditions of Armistice with Italy." The following further amendments to this document are also agreed:

In the first paragraph of the Preamble the words "acting in the interests of all the United Nations" are inserted between the words "governments" and "on the one hand". The paragraph in question therefore reads as follows:

"Whereas in consequence of an Armistice dated September 3, 1943³ between the United States and United Kingdom Governments acting in the interests of all the United Nations on the one hand, and the Italian Government on the other hand, hostilities were suspended between Italy and United Nations on certain terms of a military nature."

In the fourth paragraph of the Preamble the words "and Soviet" are inserted between the words "United Kingdom" and "Governments", and the word "and" between the words "United States" and "United Kingdom" is deleted. The paragraph in question therefore reads as follows:

"The following, together with the terms of the Armistice of September 3, 1943, are the terms on which the United States, United Kingdom and Soviet

¹ TIAS 1604, *ante*, p. 775.

² TIAS 1648, *post*, vol. 4.

³ TIAS 1604, *ante*, p. 769.

Governments, acting on behalf of the United Nations, are prepared to suspend hostilities against Italy so long as their military operations against Germany and the Allies are not obstructed and Italy does not assist these powers in any way and complies with the requirements of these governments.”

In paragraph six of the Preamble the word “unconditionally” is inserted between the word “accepted” and “by”. The paragraph in question therefore reads as follows:

“and have been accepted unconditionally by Marshal Pietro Badoglio, Head of the Italian Government representing the Supreme Command of the Italian land, sea and air forces and duly authorized to that effect by the Italian Government.”

In Article 1 *a* [A] the word “unconditionally” is deleted. The Article in question therefore reads as follows:

“The Italian land, sea and air forces wherever located hereby surrender.”

Article 29 is amended to read as follows:

“Benito Mussolini, his chief Fascist associates, and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations and who now or in the future are on territory controlled by the Allied Military Command or by the Italian Government, will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations to this purpose will be complied with.”

The present Protocol is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

Signed on the 9th November 1943 at BRINDISI.

NOEL MACFARLANE
For the Allied Commander-in-Chief

Il Capo del Governo Italiano
BADOGLIO

ARMISTICE WITH ITALY: EMPLOYMENT AND DISPOSITION OF ITALIAN FLEET AND MER- CHANT MARINE

Instrument of amendment signed at Brindisi, Italy, November 17, 1943;

statement by Minister of Italian Navy November 17, 1943

Entered into force November 17, 1943

*Terminated September 15, 1947, upon entry into force of treaty of peace
of February 10, 1947*¹

61 Stat. 2769; Treaties and Other
International Acts Series 1604

AMENDMENT TO AGREEMENT BETWEEN THE NAVAL COMMANDER-IN-CHIEF, MEDITERRANEAN, ALLIED FORCES AND THE ROYAL ITALIAN MINISTER OF MARINE WITH RESPECT TO THE EMPLOYMENT OF THE ITALIAN NAVY

The aforementioned agreement² is amended as follows:

The following phrase to be added to the Preamble:

"It is understood and agreed that the provisions of this agreement as to immediate employment and disposition of Italian warships and merchant ships do not affect the right of United Nations to make such other dispositions of any or all Italian ships as they may think fit. Their decisions in this respect will be notified to the Italian Government from time to time."

Final sentence of last paragraph to be amended to read:

"will be manned so far as possible by crews provided by Italian Ministry of Marine and will fly the Italian flag."

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

Signed on the 17th November 1943 at BRINDISI.

For the Naval Commander-in-Chief
Mediterranean, Allied Forces.

R. MCGREGOR

Rear Admiral,

Flag Officer Liaison, Italy

AM. R. DE COURTEN

Ministro della Marina

¹ TIAS 1648, *post*, vol. 4.

² TIAS 1604, *ante*, p. 771.

STATEMENT BY ADMIRAL DE COURTEN

[TRANSLATION]

By order of His Excellency, Marshal Badoglio, Chief of the Government, I have signed the clauses added to the Preamble and to the last paragraph of the Cunningham-de Courten Agreement, which were requested by the Allied Governments as conditions of the signature of the amendments to the Armistice.

In signing, I request that note be taken of the following statement:

"I believe it my duty to make clear that the request for insertion of these clauses, put forth less than two months after the meeting with Sir Andrew Cunningham, then Commander-in-Chief of the Allied Mediterranean Fleet, alters the spirit of the agreement concluded between Admiral Cunningham and me. The clauses of this Agreement had been put forward in accordance with the Armistice, by Admiral Cunningham himself, who invited me to examine them and make known to them my observations and comments. In as much as there was complete agreement in regard to the text presented by the Allies, and as the Agreement has up to now been carried out in the widest and most complete manner without opposition either in letter or spirit, I did not and do not have any reason to believe it should be modified and completed by a subsequent safeguarding clause. This clause seems to be at odds with the active collaboration given up to now by the Italian Navy and with the visible demonstration of the loyalty with which the Italian Fleet is contributing to the utmost to the conduct of the war against the common enemy in the spirit of existing co-belligerency".

ADMIRAL DE COURTEN

Minister of the Navy

BRINDISI, 17 November 1943

FIRST CAIRO CONFERENCE, 1943

*Communiqué released December 1, 1943*¹

1943 For. Rel. (Conferences at Cairo
and Tehran) 448

President Roosevelt, Generalissimo Chiang Kai-Shek and Prime Minister Churchill, together with their respective military and diplomatic advisers, have completed a conference in North Africa. The following general statement was issued:

"The several military missions have agreed upon future military operations against Japan. The three great Allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land and air. This pressure is already rising.

"The three great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

"With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan."

¹ The First Cairo Conference met from Nov. 22 to Nov. 26, 1943.

TEHRAN CONFERENCE, 1943

*Declaration made by President Roosevelt, Prime Minister Churchill, and Premier Stalin at Tehran December 1, 1943, and released December 6, 1943*¹

1943 For. Rel. (Conferences at Cairo and Tehran) 640

DECLARATION OF THE THREE POWERS²

WE—The President of the United States, The Prime Minister of Great Britain, and the Premier of the Soviet Union, have met these four days past in this, the capital of our ally, Iran, and have shaped and confirmed our common policy.

We express our determination that our nations shall work together in war and in the peace that will follow.

As to war—Our military staffs have joined in our round table discussions, and we have concerted our plans for the destruction of the German forces. We have reached complete agreement as to the scope and timing of the operations which will be undertaken from the East, West and South.

The common understanding which we have here reached guarantees that victory will be ours.

And as to peace—We are sure that our concord will make it an enduring peace. We recognize fully the supreme responsibility resting upon us and all the United Nations, to make a peace which will command the good will of the overwhelming mass of the peoples of the world, and banish the scourge and terror of war for many generations.

With our diplomatic advisers we have surveyed the problems of the future. We shall seek the cooperation and the active participation of all nations, large and small, whose peoples in heart and mind are dedicated, as are our own peoples, to the elimination of tyranny and slavery, oppression and intolerance. We will welcome them, as they may choose to come, into a world family of democratic nations.

¹ The Tehran Conference met from Nov. 27 to Dec. 1, 1943.

² For an explanation of minor differences in various texts of this document, see 1943 For. Rel. (Conferences at Cairo and Tehran) 639. In a note (p. 641) the *Foreign Relations* editors say, "The three Heads of Government do not appear to have signed any copy of this document, which was intended primarily as a press release."

No power on earth can prevent our destroying the German armies by land, their U-boats by sea, and their war plants from the air.

Our attack will be relentless and increasing.

Emerging from these friendly conferences we look with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences.

We came here with hope and determination. We leave here, friends in fact, in spirit and in purpose.

TEHRAN CONFERENCE, 1943

*Declaration signed at Tehran December 1, 1943, and released December 6, 1943*¹

1943 For. Rel. (Conferences at Cairo and Tehran) 646

Dec. 1, 1943

DECLARATION OF THE THREE POWERS REGARDING IRAN

The President of the United States, the Premier of the U.S.S.R., and the Prime Minister of the United Kingdom, having consulted with each other and with the Prime Minister of Iran, desire to declare the mutual agreement of their three Governments regarding their relations with Iran.

The Governments of the United States, the U.S.S.R., and the United Kingdom recognize the assistance which Iran has given in the prosecution of the war against the common enemy, particularly by facilitating the transportation of supplies from overseas to the Soviet Union.

The Three Governments realize that the war has caused special economic difficulties for Iran, and they are agreed that they will continue to make available to the Government of Iran such economic assistance as may be possible, having regard to the heavy demands made upon them by their world-wide military operations and to the world-wide shortage of transport, raw materials, and supplies for civilian consumption.

With respect to the post-war period, the Governments of the United States, the U.S.S.R., and the United Kingdom are in accord with the Government of Iran that any economic problems confronting Iran at the close of hostilities should receive full consideration, along with those of other members of the United Nations, by conferences or international agencies held or created to deal with international economic matters.

The Governments of the United States, the U.S.S.R., and the United Kingdom are at one with the Government of Iran in their desire for the maintenance of the independence, sovereignty and territorial integrity of Iran.

¹ The Tehran Conference met from Nov. 27 to Dec. 1, 1943.

They count upon the participation of Iran, together with all other peace-loving nations, in the establishment of international peace, security and prosperity after the war, in accordance with the principles of the Atlantic Charter,² to which all four Governments have subscribed.

WINSTON S. CHURCHILL
J. STALIN
FRANKLIN D. ROOSEVELT

² EAS 236, *ante*, p. 686

TEHRAN CONFERENCE, 1943

*Military conclusions initialed at Tehran December 1, 1943, and released
March 24, 1947*¹

1943 For. Rel. (Conferences at Cairo
and Tehran) 652

MILITARY CONCLUSIONS OF THE TEHERAN CONFERENCE

The Conference:

(1) Agreed that the Partisans in Yugoslavia should be supported by supplies and equipment to the greatest possible extent, and also by commando operations:

(2) Agreed that, from the military point of view, it was most desirable that Turkey should come into the war on the side of the Allies before the end of the year:

(3) Took note of Marshal Stalin's statement that if Turkey found herself at war with Germany, and as a result Bulgaria declared war on Turkey or attacked her, the Soviet would immediately be at war with Bulgaria. The Conference further took note that this fact could be explicitly stated in the forthcoming negotiations to bring Turkey into the war:

(4) Took note that Operation OVERLORD would be launched during May 1944, in conjunction with an operation against Southern France. The latter operation would be undertaken in as great a strength as availability of landing-craft permitted. The Conference further took note of Marshal Stalin's statement that the Soviet forces would launch an offensive at about the same time with the object of preventing the German forces from transferring from the Eastern to the Western Front:

(5) Agreed that the military staffs of the three Powers should henceforward keep in close touch with each other in regard to the impending operations in Europe. In particular it was agreed that a cover plan to mystify and mislead the enemy as regards these operations should be concerted between the staffs concerned.

F. D. R.
J. S.
W. S. C.

TEHERAN, December 1, 1943.

¹ The Tehran Conference met from Nov. 27 to Dec. 1, 1943.

SECOND CAIRO CONFERENCE, 1943

*Communiqué released December 6, 1943*¹

1943 For. Rel. (Conferences at Cairo
and Tehran) 831

Mr. Roosevelt, President of the United States of America, M. Ismet Inonu, President of the Turkish Republic, and Mr. Winston Churchill, Prime Minister of Great Britain, met in Cairo on December 4th, 5th and 6th, 1943. Mr. Anthony Eden, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, M. Numan Menemencioglu, Minister of Foreign Affairs of Turkey, and Mr. Harry L. Hopkins, took part in their deliberations.

The participation in this conference of the Head of the Turkish State, in response to the cordial invitation addressed to him by the United States, British and Soviet Governments, bears striking testimony to the strength of the alliance which united Great Britain and Turkey, and to the firm friendship existing between the Turkish Republic, the United States of America, and the Soviet Union.

Presidents Roosevelt and Inonu and Prime Minister Churchill reviewed the general political situation and examined at length the policy to be followed, taking into account the joint and several interests of the three countries.

The study of all problems in a spirit of understanding and loyalty showed that the closest unity existed between the United States of America, Turkey and Great Britain in their attitude towards the world situation.

The conversations in Cairo have consequently been most useful and most fruitful for the future of the relations between the four countries there represented.

The identity of interest and of views of the American and British democracies, with those of the Soviet Union, and the traditional relations of friendship existing between these powers and Turkey, have been reaffirmed throughout the proceedings of the Cairo conference.

¹ The Second Cairo Conference met from Dec. 4 to 6, 1943.

INTER-AMERICAN AUTOMOTIVE TRAFFIC

*Convention opened for signature at the Pan American Union December 15, 1943, and signed for the United States December 31, 1943
Senate advice and consent to ratification, with an understanding and a reservation, July 25, 1946*¹

*Ratified by the President of the United States, with an understanding and a reservation, August 8, 1946*¹

Ratification of the United States deposited with the Pan American Union October 29, 1946

Entered into force July 25, 1944;² for the United States October 29, 1946

Proclaimed by the President of the United States November 1, 1946

Replaced by convention of September 19, 1949,³ as between contracting parties to the later convention

61 Stat. 1129; Treaties and Other
International Acts Series 1567

CONVENTION ON THE REGULATION OF INTER-AMERICAN AUTOMOTIVE TRAFFIC

The Governments of the American Republics, desirous of establishing uniform rules among themselves to control and regulate international automotive traffic on their highways, and to facilitate the movement of motor vehicles among such States,

Have decided to conclude the present Convention in order to effectuate the foregoing purposes, and have agreed upon the following articles:

ARTICLE I

It is recognized that each State has exclusive jurisdiction over the use of its own highways, but agrees to their international use as specified in this Convention.

¹ For text of U.S. understanding and reservation, made at time of signing and maintained in the Senate's resolution of advice and consent and in the President's ratification, see p. 875.

² Date of deposit of second instrument of ratification.

³ 3 UST 3008; TIAS 2487.

ARTICLE II

Under the terms of the present Convention, a motor vehicle shall be defined as any self-propelled vehicle circulating upon a public highway without the need of rails and used for the transport of persons or merchandise.

A highway shall be defined as any public way maintained for and open to the use of the public for purposes of vehicular travel.

An operator shall be defined as any person who drives or is in actual physical control of a motor vehicle upon a highway.

ARTICLE III

The operator of a motor vehicle circulating in any State which is a party to this Convention is subject to the traffic laws and regulations in force in that State or subdivision thereof.

A copy of such laws and regulations may be handed to the operator at the time of entering each State, by the customs authorities who are clearing the vehicle for entry, or by any authorized agency.

ARTICLE IV

The Contracting States shall not allow customs measures to be put into effect which will hinder international travel.

Simplified customs and other regulatory measures which have been or may be put into effect by any contiguous States parties to this Convention, for the facilitation of international automotive traffic, shall be considered to be in furtherance of this Convention and shall be encouraged.

ARTICLE V

Before admission to international traffic, every vehicle shall be registered by the State of origin in the manner prescribed by its laws, or by any subdivision thereof having legal authority to register vehicles.

ARTICLE VI

Every motor vehicle operator before admission to international traffic shall have such driving license as may be required by the laws of his State or such as may be issued by any political subdivision thereof having legal authority to issue driving licenses. In the event that no such driving license is required by his State or any political subdivision thereof, a special international driving license such as is specified in Article XIII shall be valid. No operator shall be admitted to international travel who is less than 18 years of age.

ARTICLE VII

Evidence of compliance with the conditions of this Convention shall entitle motor vehicles and motor vehicle operators to circulate on the highways of any of the Contracting States.

ARTICLE VIII

Each State or its political subdivisions shall maintain central bureaus of registration with facilities for the exchange of information with other States as to registration of vehicles and operators.

ARTICLE IX

In addition to the registration plate or plates of the State of origin or of its legally empowered political subdivisions each vehicle shall display an international registration marker indicating the country of origin. This marker shall be in the form of an oval plate not less than 3 inches (8 cm.) wide by 10 inches (26 cm.) long bearing capital Latin letters painted black on a white background.

The distinctive names or letters indicating the several countries shall be the following:

Argentina	ARGENTINA	Haiti	HAITI
Bolivia	BOLIVIA	Honduras	HONDURAS
Brazil	BRASIL	Mexico	MEXICO
Chile	CHILE	Nicaragua	NICARAGUA
Colombia	COLOMBIA	Panama	PANAMA
Costa Rica.....	COSTA RICA	Paraguay	PARAGUAY
Cuba	CUBA	Peru	PERU
Dominican Republic.....	REP. DOM.	United States of America.....	U.S.A.
Ecuador	ECUADOR	Uruguay	URUGUAY
El Salvador.....	SALVADOR	Venezuela	VENEZUELA
Guatemala	GUATEMALA		

This distinctive plate shall be issued by the State or its authorized representatives.

All registration plates shall be plainly visible.

Motor vehicles bearing the international registration markers provided for by the International Convention for the Circulation of Automobiles, 1909, as amended in 1926,⁴ shall be recognized as having complied with the foregoing conditions concerning international registration markers.

For admission to international travel, each motor vehicle shall bear in a readily accessible location the name of the manufacturer of the vehicle, the manufacturer's number of the chassis, and the manufacturer's number of the engine.

ARTICLE X

Unless otherwise provided by the laws or regulations of the respective States or subdivisions thereof, the size of vehicles and loads shall be limited to the following:

1. No vehicle shall exceed a total outside width, including any load thereon, of 8 feet (2.44 meters).

⁴ 108 LNTS 123. The United States did not become a party.

2. No vehicle with or without load shall exceed a maximum height of 12 feet, 6 inches (3.80 meters).

3. No vehicle shall exceed an over-all length of 35 feet (10.70 meters) and no combination of vehicles coupled together shall exceed a total length of 45 feet (13.75 meters).

4. No vehicle shall carry any load extending more than 3 feet (91 centimeters) beyond the front thereof.

5. No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side nor extending more than 6 inches (15.2 centimeters) beyond the line of fenders on the right side thereof; provided however that in States in which the left hand drive is compulsory the provisions of this paragraph referring to the side of loads shall be reversed.

6. Special permits for vehicles or combinations of vehicles exceeding these limits may be issued by the competent authorities of the States.

ARTICLE XI

Unless the laws and regulations of the respective States or political subdivisions thereof provide otherwise, the following requirements as to equipment shall be indispensable for motor vehicles admitted to international traffic:

1. Every motor vehicle shall have brakes adequate to control the movement of and to stop and hold such vehicle. The brakes shall be capable of stopping the vehicle on a dry, smooth, level road within a distance of 30 feet (9 meters) when travelling at a speed of 20 miles (32 kilometers) per hour.

2. Every motor vehicle shall have a suitable horn or other warning device satisfactory to the regulatory authorities.

3. Every motor vehicle other than a motorcycle shall be equipped with two head lamps, at the front of and on opposite sides of the vehicle, which shall at night, under normal atmospheric conditions and on a level road, produce light sufficient to render clearly discernible a person not less than 350 feet (107 meters) ahead and shall be capable of operation so as not to project a glaring or dazzling light. Every motorcycle shall have at least one head lamp.

4. Every motor vehicle, and every trailer or semi-trailer which is being drawn at the end of a train of vehicles, shall carry at the rear a lamp which exhibits a red light plainly visible at night under normal atmospheric conditions from a distance of 500 feet (152 meters) to the rear of such vehicle. The registration plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of 50 feet (15 meters) to the rear of the vehicle.

5. Every motor vehicle shall have a muffler in good working order and in constant operation to prevent excessive or unusual noise.

6. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the operator's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet (70 meters) to the rear of such vehicle.

7. Every motor vehicle other than a motorcycle shall have a windshield wiper in good working order.

ARTICLE XII

A special international automobile certificate, in addition to the registration required by Article V, may be required for each motor vehicle for admission to and circulation in any individual State party to this Convention, if the State so elects. Provision for the issuance of such certificate shall be made by each Contracting State, and such document shall be issued by the State, or by any authorized political subdivision thereof, or by an association duly empowered by such authorities, or by an authorized representative of either the Contracting State or of one of its political subdivisions, having legal authority to issue such certificates. The validity of such special international automobile certificate shall be recognized by all officials having jurisdiction over matters involving legal ownership of the vehicle. The certificate shall be in the form, of the size, and contain the information prescribed in Annex A to this Convention, and shall be valid for one year from date of issuance.

The international automobile certificate issued in accordance with the International Convention of 1926 on Automobile Circulation shall be deemed to meet the requirements of this Article.

ARTICLE XIII

A special international driving license may be required for each operator admitted to circulation in any individual State party to this Convention, if the State so elects. Such a special license shall be required for each operator who does not possess a domestic driving license as required in Article VI. Provision for the issuance of such international driving license shall be made by each Contracting State, and such document shall be issued by the State, or by any authorized political subdivision thereof, or by an association duly empowered by such authorities, or by an authorized representative of either the Contracting State or one of its political subdivisions having legal authority to issue driving licenses. The validity of such special international driving license shall be recognized by all officials having regulatory powers over automotive traffic. The license shall be in the form, of the size, and contain the information prescribed in Annex B to this Convention, and shall be valid for one year from date of issuance.

The international driving license issued in accordance with the International Convention of 1926 shall be deemed to meet the requirements of this Article.

ARTICLE XIV

A general bond guaranteeing payment of customs charges on any motor vehicle to be admitted to international traffic, due and payable within the country in which such charges may be incurred, may be required by any State party to this Convention.

The international customs pass (*carnet de passage en douane*) of the Association Internationale des Automobile Clubs Reconnus or of the Alliance Internationale de Tourisme shall be deemed to satisfy the requirements of this Article for any Contracting State in which a bond is required.

No bond shall be required in any Contracting State if the stay of the foreign vehicle therein does not exceed the period allowed for free stay.

ARTICLE XV

Each State may establish such requirements as it may deem necessary to record the passage into and out of its territory, of vehicles and operators admitted to international traffic. If such records are maintained, they shall include a notation that the vehicle has complied with the provisions of Articles X and XI.

ARTICLE XVI

The hours and routes dedicated to the crossing of frontiers by properly registered vehicles shall be fixed by common consent of the adjacent States and their decisions communicated to the corresponding custom authorities.

ARTICLE XVII

Infractions of this Convention shall be punished in conformity with the laws and regulations of the country in which committed.

Infractions which shall have incurred judicial penalty shall be communicated by the judge or magistrate to the proper authorities, who in turn shall communicate them to the authorities of the State or its political subdivision in which the vehicle and its owner or operator were originally registered.

ARTICLE XVIII

Any vehicle or operator admitted to international traffic under the provisions of the International Convention for the Circulation of Automobiles,

1909, as amended in 1926, and holding the documents required thereunder, will be recognized as fulfilling the requirements of the present Convention.

ARTICLE XIX

The original of the present Convention in Spanish, English, Portuguese, and French shall be deposited with the Pan American Union and opened for signature by the American republics. The Convention shall also be opened for the adherence and accession of American States which are not members of the Pan American Union. The Pan American Union shall transmit authentic certified copies to the Governments for the purpose of ratification.

ARTICLE XX

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE XXI

The present Convention shall come into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE XXII

The present Convention shall remain in effect indefinitely, but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it, but shall remain in effect for the remaining High Contracting Parties.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention in Spanish, English, Portuguese, and French, at the Pan American Union, Washington, D.C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

ANNEX A

INTERNATIONAL AUTOMOBILE CERTIFICATE

(Name of country)

*International
Automobile
Certificate*

(Size of form when printed : 5¼" x 3¾")

The validity of this certificate shall be recognized by all officials having regulatory powers over the registration of motor vehicles in the following countries, with the exception of the country in which issued :

Argentina	Honduras
Bolivia	Mexico
Brazil	Nicaragua
Colombia	Panama
Costa Rica	Paraguay
Cuba	Peru
Chile	Dominican Republic
Ecuador	United States of America
El Salvador	Uruguay
Guatemala	Venezuela
Haiti	

(Draw lines through names of countries which have not ratified the Convention at time of issue.)

INTERNATIONAL AUTOMOBILE CERTIFICATE

Issued in accordance with the provisions of the Convention on the Regulation of Inter-American Automotive Traffic signed at Washington, D.C., U.S.A., in 1943.

Issued by.
At.
Date.
Signature (x).
Number.

(x) Signature of Authority or signature of Association empowered by the Authority, and "visa" of the latter.

Good for one year from date of issue.

Owner	{	Surname:.....
or		Other names:.....
Holder		Home address:.....
Class of vehicle:.....		
Name of maker of chassis:.....		
Type of chassis:.....		
Serial number of type or maker's number of chassis:.....		
Engine.....	{	Number of cylinders:.....
		Engine number:.....
		Stroke:.....
		Bore:.....
		Horse power:.....

Body.....

{Type:.....
Color:.....
Number of seats:.....

Weight of vehicle without load (in kilos):.....

Weight of vehicle fully loaded (in kilos) if exceeding 3,500 kilos:.....

Identification marks on plates:.....

(The entrance visa should contain the following data: country, place, date, signature and seal of the authority granting the visa.)

.....

.....

.....

.....

ANNEX B

INTERNATIONAL DRIVING LICENSE

(Name of country)

International
Driving
License

(Size of form when printed, 5¾" x 3¾")

The validity of this license shall be recognized by all officials having regulatory powers over automotive traffic in the following countries, with the exception of the country in which issued.

- Argentina

Bolivia

Brazil

Colombia

Costa Rica

Cuba

Chile

Ecuador

El Salvador

Guatemala

Haiti
- Honduras

Mexico

Nicaragua

Panama

Paraguay

Peru

Dominican Republic

United States of America

Uruguay

Venezuela

(Draw lines through names of countries which have not ratified the Convention at time of issue.)

INTERNATIONAL DRIVING LICENSE

Issued in accordance with the provisions of the Convention on the Regulation of Inter-American Automotive Traffic signed at Washington, D.C., U.S.A., in 1943.

Issued by.....

At.....

Date.....

Signature (x).....
Number.....

(x) Signature of Authority or signature of Association empowered by the Authority, and
“visa” of the latter.

Valid for one year from date of issue.

PARTICULARS CONCERNING THE DRIVER

Official seal.....
Photograph.....
Surname..... 1
Other names..... 2
Place of birth..... 3
Date of birth..... 4
Home address..... 5

(Name of country)

REVOCATION

M. (surname and other names).....
authorized as above by the authority of (country).....
..... is deprived of the
right to drive in (country).....
by reason of.....
Place.....
Date.....

(signature)

Seal of Authority

PARTICULARS CONCERNING THE DRIVER

For the photograph, see above

Surname: 1
Other names: 2
Place of birth: 3
Date of birth: 4
Home address: 5

(The three categories of driving licenses indicated below—A, B and C—are established in order to permit States or subdivisions thereof which have special requirements differentiating among drivers of light vehicles, heavy vehicles and combinations, and motorcycles, to issue appropriate licenses for each or all of these classes. A separate seal of authority is provided for use in such case or cases.)

A	B	C
Motor vehicles of which the weight with load does not exceed 3,500 kilos.	Motor vehicles of which the weight with load exceeds 3,500 kilos.	Motorcycles with or without side-car.

A	B	C
Seal of Authority	Seal of Authority	Seal of Authority

For Bolivia:		
LUIS F. GUACHALLA	<i>15 December 1943</i>	[SEAL]
For Brazil:		
FERNANDO LOBO	<i>15 December 1943</i>	[SEAL]
For Cuba:		
AURELIO F. CONCHESO	<i>15 December 1943</i>	[SEAL]
For Ecuador:		
C. E. ALFARO	<i>15 December 1943</i>	[SEAL]
For Guatemala:		
ADRIAN RECINOS	<i>15 December 1943</i>	[SEAL]
For Haiti:		
A. LIAUTAUD	<i>15 December 1943</i>	[SEAL]
For Nicaragua:		
GUILLERMO SEVILLA S.	<i>15 December 1943</i>	[SEAL]
For Peru:		
M. DE FREYRE Y S.	<i>15 December 1943</i>	[SEAL]

For the Dominican Republic:

The Plenipotentiary of the Dominican Republic signs the Convention with the following reservation:

That the provision of Article XIV shall not imply that the period of one year mentioned in Article XII refers to the time during which a vehicle may operate in a Contracting State, without having given bond or paying the taxes that its laws require, but rather to the period of validity of the certificate of admission which the State may not require. Also, that this Convention shall not affect the treaties, conventions or other international agreements which the Dominican Republic has concluded or may conclude, nor its immigration laws [translation].

A. COPELLO	<i>15 December 1943</i>	[SEAL]
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For the United States of America:

Signed subject to the understanding and reservation that nothing in Article XV shall be construed to require the use of personnel and facilities of the United States of America for the purpose of determining compliance with the provisions of Articles X and XI by vehicles whenever, in the opinion of the competent authorities of the United States of America, there would result an impairment of essential services performed by such personnel and facilities or an undue hindrance to the movement of automotive traffic into and from the territory of the United States of America.

CORDELL HULL	<i>December 31, 1943</i>	[SEAL]
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For El Salvador:

HECTOR DAVID CASTRO	<i>6 January 1944</i>	[SEAL]
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[The convention was signed for Argentina on June 27, 1947; for Chile, with reservations, on October 27, 1944; for Colombia on September 30, 1949; for Costa Rica on January 20, 1944; for Honduras on April 24, 1944; for Mexico, with reservations, on April 14, 1949; for Panama on July 13, 1944; for Paraguay on February 26, 1947; for Uruguay on October 23, 1953; and for Venezuela on December 7, 1959.]

WAR TRADE BETWEEN SWITZERLAND AND THE AXIS POWERS

Exchange of letters at London December 19, 1943

Entered into force December 19, 1943

Modified by agreements of August 14, 1944,¹ and March 8, 1945²

Amended by agreement of April 5, 1945³

1943 For. Rel. (II) 888

*The Parliamentary Secretary of the British Ministry of Economic Warfare
and the Head of the Economic Warfare Division of the American Embassy
in the United Kingdom to the Swiss Delegate in Charge of Trade Agree-
ments at London*

LONDON, December 19, 1943

DEAR PROFESSOR KELLER: His Majesty's Government in the United Kingdom and the United States Government have considered the proposals contained in the Swiss Government's memorandum dated November 18th, 1943,⁴ which, as modified and clarified in subsequent correspondence and conversations, may be summarized as follows:

(1) The Swiss Government agrees to limit the export to Axis Europe during the first six months of 1944 of the goods as specified item by item in Annex 1. hereto.⁵ It is agreed that wherever the expression "Axis Europe" is used in this letter it is intended to comprise the whole of continental Europe, other than Portugal, Spain, Sweden, Turkey and that part of European U.S.S.R. which is not occupied by the enemies of H.M.G. and/or U.S.G.

(2) The goods listed in Annex 1. may be exported to Portugal, Spain, Sweden and Turkey, but the Swiss Government will take appropriate measures to ensure that such goods will not be re-exported in any form to Axis Europe.

(3) The undertakings now given by the Swiss Government shall remain in force until the signature of Armistice terms with Germany. Until then the

¹ *Post*, p. 897.

² *Post*, p. 1033.

³ *Post*, p. 1038.

⁴ For text, see 1943 For. Rel. (II) 887.

⁵ Annexes not printed.

limitations on Swiss exports shall be reviewed at least every six months in order to consider which of those exports shall be further reduced. In this connection particular attention shall be given to the reduction of the special fixed quotas listed in Annex 1. as intended to liquidate existing contracts. In addition, should the Swiss frontier at any time be freed so that trade with the outside world is no longer subject to German control, the Swiss Government will immediately confer with H.M.G. and the U.S.G. with a view to meeting the new situation.

(4) The Swiss Government agree that they will confer with H.M.G. and the U.S.G. before arriving at any general agreement for the resumption of trade with Italy, and meanwhile will permit no exports of goods listed in Annex 1. to Italian territory without the prior approval of the Mixed Commission.

(5) If during the period of hostilities in Europe any territory in Axis Europe should withdraw from its association with Germany or be liberated from German control, the Swiss Government (a) will confer with H.M.G., and the U.S.G. before arriving at any general agreement for the resumption or continuation of trade with such territory, and meanwhile will permit no exports of goods listed in Annex 1. to such territory without the prior approval of the Mixed Commission and (b) will reduce Swiss exports to Axis Europe other than Germany of each global quota listed in Annex 1. by the same percentage as Swiss exports to such territory bore to the exports to the whole of Axis Europe other than Germany during the preceding six months.

(6) The Swiss Government will not permit, except as mentioned below, any reduction in the price level of Swiss exports to Axis Europe, nor in the price level of any group or any tariff item specifically mentioned in Annex 1. nor any increase in the price level of goods imported from Axis Europe without a corresponding increase in prices of Swiss exports fully compensating the higher prices of imports. If a decrease in the price level of Swiss exports is justified by economic considerations, the Swiss Government will reduce the export quotas listed in Annex 1. by a percentage equal to such reduction in the price level.

(7) The Swiss Government will not permit the whole or any part of the export quotas listed in Annex 1. which have been assigned to any particular Swiss exporter and have not been exhausted to be transferred in whole or in part to any other Swiss exporter or exporters in such a way that the effect of individual undertakings to H.M.G. and/or the U.S.G. is nullified or diminished, nor will the Swiss Government permit the transfer of quotas from one manufacturer to another so as to result in concentration upon any particular article of manufacture.⁶

⁶ For a modification of clause 7, see agreement of Aug. 14, 1944, *post*, p. 897.

(8) The Swiss Government enter into the following agreement in respect of the processing, improvement and repair trades in Switzerland.

Processing (Trafic de Transformation actif)

(a) From January 1st, 1944, processing under all tariff items listed in Annex 1. will be suspended. No new permits have been issued since July 1st, 1943, under these items and all permits issued before that date will lapse on December 31st, 1943.

(b) Under tariff items not listed in Annex 1. processing will be allowed, but exports will be limited to a value not exceeding 6 million francs (of which not more than 3 million Swiss francs in the first quarter of 1944).

(c) Quarterly statistics of this trade will be supplied in future.

Improvement Trade (Trafic de Perfectionnement actif)

Exports will be limited as follows:

(a) Under all tariff items in Groups 11, 12 and 13 of the Swiss customs tariff item by item to one half of the values of these exports in 1942.

(b) There shall be no material alteration in the composition of the exports covered by the individual tariff items under (a) above.

(c) Quarterly statistics of this trade will be supplied in future.

Repair Trade (Trafic de Reparation actif).

Exports will be limited as follows:

(a) The repair of vehicles or other war equipment for the account of Axis Europe will not be permitted in Switzerland. This undertaking does not apply to articles of Swiss manufacture which can only be repaired in Switzerland, the repair of which will be limited in the first half of 1944 to one half of the values of such repairs in 1942.⁷

(b) i. For tariff items covered by Annex 1. item by item, to one half of the values of these exports in 1942.

ii. For tariff items not covered by Annex 1. to a value not exceeding 0.8 billion Swiss francs (of which not more than 0.4 million Swiss francs for the first quarter of 1944) to Axis Europe as a whole.

(c) It is recognised that the completion of repairs of goods already in Switzerland on December 31st, 1943, may make it impossible to observe the limitations in (b) i and ii above during the first few months of 1944. Should there be any objectionable excess from this cause H.M.G. and U.S.G. will confer with the Swiss Government in order to effect an adjustment over the remainder of the first half of 1944.

(d) Monthly statistics of this trade will be supplied in future subdivided under headings (b) i and (b) ii above.

(9) The question of exports by the International Red Cross or by any other humanitarian organisation will be considered at the same time as the rest of the agenda of September 30th, 1943, but in the meantime the Swiss

⁷ For a modification of clause 8(b)i, see *ibid.*

Government will not authorise exports of Swiss produce by such organisations without the prior consent of the Mixed Commission. This undertaking does not apply to goods admitted through allied controls into Switzerland for re-export.⁸

(10) The Swiss Government agree to co-ordinate all Swiss purchases for goods covered by blockade quotas and/or allocations with purchases made by or on behalf of the United Nations if so requested by H.M.G. and/or the U.S.G.

2. For their part H.M.G. in the U.K. and the U.S.G. agree:

(a) that while this Agreement remains in force Swiss firms in the metallurgical industry which are not at this date on the Statutory List or Proclaimed List and have not yet entered into agreements with or given undertakings to H.M.G. and/or the U.S.G. shall not be listed or threatened with listing on the ground that such firms export to Axis Europe goods affected by and within the limits provided by this Agreement. H.M.G. and the U.S.G. reserve the right to obtain undertakings from or to list these firms for other reasons, but before listing or threatening to list firms in the metallurgical industry for exporting to Axis Europe goods not covered by this Agreement, H.M.G. and the U.S.G. will request the Swiss Government to fix a ceiling on the export of such goods. They will not, however, request the Swiss Government to introduce such export ceilings so as to have effect before July 1st, 1944, on goods normally manufactured by the metallurgical industry, and not covered by Annex 1. hereto, provided that exports of such goods to Axis Europe during the first half of 1944 are not in character or volume abnormal. The Swiss Government agree not to approach firms who have already entered into any such agreements or given any such undertakings with a view to preventing the observance of such agreements or undertakings.

(b) to delist Sulzer Brothers upon receiving from the Swiss Government on behalf of Sulzer Brothers an undertaking satisfactory to H.M.G. and the U.S.G.

(c) to restore full food and tobacco quotas and/or allocations from January 1st, 1944 (see Annex 2).

(d) to open a quota for fodder, and to examine other needs of Swiss agriculture. (see Annex 2).

3. H.M.G. and the U.S.G. understand that the Swiss Government are prepared to enter into negotiations with them in January 1944 regarding the outstanding items of the agenda of September 30th, 1943.

4. On learning that this letter accurately sets forth the intentions of the Swiss Government and the undertakings which they agree to give, H.M.G.

⁸ For an amendment of clause 9, see agreement of Apr. 5, 1945, *post*, p. 1038.

and the U.S.G. will be ready to regard the Swiss memorandum of November 18th, 1943, and this reply, as constituting a formal and binding agreement between the three Governments.

Yours sincerely,

[For the United Kingdom:] DINGLE FOOT

[For the United States:] WINFIELD W. RIEFLER

The Swiss Delegate in Charge of Trade Agreements at London to the Parliamentary Secretary of the British Ministry of Economic Warfare and the Head of the Economic Warfare Division of the American Embassy in the United Kingdom

LONDON, December 19, 1943

DEAR MR. FOOT AND MR. RIEFLER: I thank you for your letter of to-day concerning the proposals contained in the Swiss Government's memorandum dated November 18th, 1943, and wish to confirm that your communication accurately sets forth the intentions of the Swiss Government and the undertakings which they agree to give. I further confirm that your letter together with the present acknowledgement will be regarded by the Swiss Government as constituting a formal and binding agreement between our three Governments.

Yours sincerely,

PAUL KELLER

INTER-AMERICAN INSTITUTE OF AGRICULTURAL SCIENCES

Convention opened for signature at the Pan American Union January 15, 1944, and signed for the United States January 15, 1944

Senate advice and consent to ratification June 22, 1944

Ratified by the President of the United States June 29, 1944

Ratification of the United States deposited with the Pan American Union July 4, 1944

Proclaimed by the President of the United States September 8, 1944

Entered into force November 30, 1944¹

58 Stat. 1169; Treaty Series 987

CONVENTION ON THE INTER-AMERICAN INSTITUTE OF AGRICULTURAL SCIENCES

The Governments of the American Republics, desiring to promote the advancement of the agricultural sciences and related arts and sciences; and wishing to give practical effect to the resolution approved by the Eighth American Scientific Congress held in Washington in 1940, recommending the establishment of an Inter-American Institute of Tropical Agriculture, have agreed to conclude a Convention in order to recognize the permanent status of the Inter-American Institute of Agricultural Sciences, hereinafter referred to as "the Institute," on the basis of the following Articles:

Article I

The Contracting States hereby recognize the permanent status of the Inter-American Institute of Agricultural Sciences, incorporated under the laws of the District of Columbia, United States of America, on June 18, 1942; and they agree to recognize the Institute as a legal entity in accordance with their own legislation. The Institute shall have all the rights, benefits, assets, lands and other property to which it was or may be entitled as a corporation, and shall assume all the obligations and contracts for which it became responsible as a corporation.

¹ A protocol of amendment opened for signature at the Pan American Union Dec. 1, 1958, had not entered into force as of July 1, 1969.

The executive headquarters of the Institute shall be located in Washington, D. C. The principal field headquarters of the Institute shall be located in Turrialba, Costa Rica. Regional offices of the Institute may be maintained throughout the American Republics.

PURPOSES

Article II

The purposes of the Institute are to encourage and advance the development of agricultural sciences in the American Republics through research, teaching and extension activities in the theory and practice of agriculture and related arts and sciences.

In furtherance of these purposes the Institute may, subject to the laws of the several countries, exercise the following powers: To develop, finance and operate similar establishments and installations in one or more of the American Republics; to give assistance in the establishment and maintenance of organizations having similar purposes in the said Republics; to purchase, sell, lease, improve or operate any property in the American Republics, in accordance with the purposes of the Institute; to collaborate with the Government of any American Republic, or with any other organization or entity, and to give assistance to the same; to receive contributions and donations of money or property, both real and personal; to enter into and carry out contracts and agreements; to raise or acquire and, in any manner, dispose of all agricultural commodities and products thereof essential for experimental or research purposes; and to carry on any other business or activity appropriate to the foregoing purposes.

THE BOARD OF DIRECTORS

Article III

The representatives of the twenty-one American Republics on the Governing Board of the Pan American Union shall serve as members of the Institute, and shall be considered as members of the Board of Directors thereof. In the event that any member is unable to attend a meeting of the Board of Directors the said member or his government may designate an alternate for that purpose. The decisions of the Board shall be adopted by a majority vote of its members, which majority vote shall include the votes of a majority of the members representing Contracting States. The Board shall have, among others, the following functions:

To elect the Director of the Institute and to approve the appointment of the Secretary made by the Director.

To remove both the Director and the Secretary.

To determine the compensation of the Director and the Secretary.

To supervise the activities of the Director, who shall be responsible for carrying out all orders and resolutions of said Board.

To appoint and define the duties and compensation of an administrative committee consisting of not more than eight persons, of whom one shall be the Director of the Institute *ex officio*. The members of this administrative committee need not be members of the Board of Directors.

To approve the budget for the administration of the Institute to be submitted annually by the Director.

To fix the annual quotas of the Institute.

The Board shall receive an annual report from the Director upon the activities of the Institute as well as upon its general condition and financial status.

OFFICERS

Article IV

The Institute shall have a Director and a Secretary. The Director shall be elected by the Board of Directors in plenary session for a term of six years; he may be reelected one or more times. The first term of the Director under the provisions of this Convention shall begin as of the day on which this Convention enters into force.

The Secretary shall be appointed by the Director with the approval of the Board of Directors of the Institute and shall be directly responsible to the Director.

The Director and the Secretary shall hold office until their respective successors shall be chosen and shall qualify; but they may be removed by vote of the majority of the members of the Institute.

THE DIRECTOR

Article V

1. The Director under the supervision of the Board of Directors shall have ample and full powers to direct the activities of the Institute; and he shall be responsible for carrying out all orders and resolutions of said Board.

2. The Director under the supervision of the Board of Directors shall be the legal representative of the Institute; and he may legalize, with the seal of the Institute, all contracts, conveyances and other instruments which require such legalization and which in his opinion are necessary and advantageous to the operation of the Institute. In addition, he shall be authorized to take any other step necessary to validate such instruments as may be required or permitted by law. The Director may grant powers to others for all those acts which he cannot perform personally.

3. The Director, under the supervision of the Board of Directors of the

Institute, shall have the power to appoint, remove, and determine the compensation of employees.

4. The Director shall prepare the budget of the Institute for each fiscal year, and submit it to the Board of Directors at least two months before the annual meeting at which it will be considered for approval.

5. The Director shall submit an annual report to the Board of Directors of the Institute two months before the annual meeting, setting forth the work of the Institute during the year and its general condition and financial status, and he shall submit to the approval of the said Board the budget and the plans for the following year.

THE SECRETARY

Article VI

The Secretary shall keep the minutes and records of the Institute, shall exercise all prerogatives and carry out all administrative duties assigned to him by the Director.

TECHNICAL ADVISORY COUNCIL

Article VII

Provision is made for the establishment of a Technical Advisory Council, as follows:

1. Each of the Contracting States may appoint an agricultural expert to be its representative in the Technical Advisory Council of the Institute. This Council shall cooperate with the Director on agricultural matters of a technical nature. The appointment of each representative shall be officially notified to the Secretary of the Institute. The members of the Council shall serve for a period of five years at the will of their respective governments, and may be reappointed one or more times.

2. The Technical Advisory Council shall meet at least once a year, under the chairmanship of the Director of the Institute, at such place as the activities of the Institute may require. The Director may call special meetings of the Council on his own initiative, whenever the best interests of the Institute may require. Notice with respect to any meeting shall be given at least two months in advance and shall state the purpose or purposes of the proposed meeting. A majority of the members of the Council shall constitute a quorum.

3. No member of the Technical Advisory Council, as such, shall receive from the Institute any pecuniary compensation for his services, although the Institute may defray traveling expenses of the members of the Council to the annual meeting.

FISCAL AGENT

Article VIII

The Pan American Union shall act as fiscal agent for and on behalf of the Institute, and as such shall receive and disburse the funds of the Institute.

MAINTENANCE OF THE INSTITUTE

Article IX

The income of the Institute for its maintenance and operation shall consist of annual quotas paid by the Contracting States, as well as of legacies, donations and contributions which the Institute may accept. Such funds and contributions shall be used only for purposes in keeping with the character of the Institute.

The annual quotas shall be determined by the Board of Directors of the Institute provided the vote is unanimous with respect to the members representing the Contracting States. The amounts of the respective quotas shall be in proportion to the population of each Contracting State, on the basis of the latest official statistics in possession of the Pan American Union on the first day of July of each year.

The annual quota payment of each Contracting State shall not exceed one dollar United States currency per one thousand of the total population of that State. The quota payments may, however, be increased by unanimous recommendation of those members of the Board of Directors who represent Contracting States and the approval by the appropriate authorities of each of the Contracting States of the increased quota of that State.

The quotas shall be communicated annually by the Pan American Union to the Governments of the Contracting States, and shall be paid before the first of July of each year.

The quota payments of each Contracting State shall commence on the day on which this Convention enters into force with respect to that State, prorated according to the number of full calendar months remaining in the current fiscal year.

The fiscal year of the Institute shall begin on the first day of July of each year.

LANGUAGES

Article X

The official languages of the Institute shall be English, Spanish, Portuguese and French.

POSTAL PRIVILEGES

Article XI

The Contracting States agree to extend to the Institute forthwith the domestic and international franking privilege provided in the existing inter-

American postal conventions and to ask the States members of the Pan American Union which have not ratified the present Convention to grant the Institute the same postal privileges.

EXEMPTION FROM TAXATION

Article XII

Lands and buildings in the territory of any of the Contracting States of which the Institute is the legal or equitable owner and which are used exclusively for the purposes of the Institute shall be exempt from taxation of every kind, National, State, Provincial or Municipal, other than assessments levied for services or for local public improvements by which the premises are benefited.

Furniture, equipment, supplies, construction materials and any other articles intended for official use of the Institute shall be exempt in the territory of any of the Contracting States from every form of taxation, including but not limited to customs duties, excise and surtaxes.

All funds and other property used for the purposes of the Institute, and all contracts and other official acts of the Institute within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of each of the Contracting States.

MOVEMENT OF FUNDS

Article XIII

Each of the Contracting States shall take such measures as may be appropriate to facilitate the movement of funds of the Institute.

EXEMPTIONS AND PRIVILEGES FOR PERSONNEL AND STUDENTS

Article XIV

Each of the Contracting States agrees that it will accord to persons engaged in the work of the Institute or pursuing studies under the auspices of the Institute, such privileges with respect to exemption from taxation and other burdens affecting the entry, travel and residence of such persons as may be appropriate under its laws and regulations.

SIGNATURE AND RATIFICATION

Article XV

1. The original of the present Convention in the English, Spanish, Portuguese and French languages shall be deposited with the Pan American Union and opened for signature by the Governments of the American Republics. The Pan American Union shall furnish a certified copy of the present Convention to each signatory Government and to the Government of each

non-signatory State which is a member of the Union. The Pan American Union shall inform all the Governments of the States members of the Pan American Union with respect to all signatures and the respective dates thereof.

2. The present Convention shall be ratified by the signatory States in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited with the Pan American Union, which shall notify all the signatory Governments of each ratification deposited and the date of its deposit.

3. The present Convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union. Any ratification received after the date of entry into force of the Convention shall take effect one month after the date of its deposit with the Pan American Union.

DENUNCIATION

Article XVI

1. The present Convention shall, subject to the provisions of Paragraph 2 of this Article, remain in force indefinitely, but may be denounced by any Contracting State by a notification in writing to the Pan American Union, which shall inform all the other Contracting States of each notification of denunciation received. After the expiration of one year from the date of the receipt by the Pan American Union of a notification of denunciation by any Contracting State, the present Convention shall cease to be in force with respect to such State, but the Convention shall remain in full force and effect with respect to all the other Contracting States.

2. In the event that the number of Contracting States should be reduced to less than five as the result of denunciations, the remaining Contracting States shall immediately consult with each other with a view to revising the present Convention and with a view to determining the future status of the Institute. If, within two years after the date upon which the number of Contracting States is reduced to less than five, as the result of denunciations, no agreement shall have been reached by the remaining Contracting States regarding the continuation of the Convention and the status of the Institute, the Convention shall, upon the expiration of six months' written notice by any remaining Contracting State, cease to be in force. In the event that the Convention should cease to be in force, the status of the Institute shall be determined by the Governing Board of the Pan American Union.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention in the English, Spanish, Portuguese and French languages at the Pan American

Union, Washington, D.C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

For Costa Rica:

CARLOS MANUEL ESCALANTE

January 15, 1944 [SEAL]

For Nicaragua:

GUILLERMO SEVILLA SACASA

January 15, 1944 [SEAL]

For Panama:

ENRIQUE A. JIMÉNEZ

January 15, 1944 [SEAL]

For the United States of America:

CORDELL HULL

January 15, 1944 [SEAL]

For Cuba:

AURELIO F. CONCHESO

January 20, 1944 [SEAL]

For Ecuador:

C. E. ALFARO

January 20, 1944 [SEAL]

[The convention was signed for Bolivia on July 12, 1944; for Brazil, with a reservation, on February 15, 1961; for Chile on May 13, 1944; for Colombia on July 23, 1948; for the Dominican Republic on January 28, 1944; for El Salvador on February 18, 1944; for Guatemala on March 16, 1944; for Honduras on January 28, 1944; for Mexico on November 19, 1946; for Paraguay on January 10, 1961; for Peru on March 24, 1960; for Uruguay on April 17, 1944; and for Venezuela, with a reservation, on October 10, 1944.]

GOLD POLICY

*Declaration by the Secretary of the Treasury February 22, 1944*¹

Treasury Department press release,
Feb. 22, 1944

TREASURY DEPARTMENT PRESS RELEASE

Secretary [Henry] Morgenthau [Jr.] today issued the following declaration:

On January 5, 1943 the United States and certain others of the United Nations issued a warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practiced by the governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled.² Furthermore, it has been announced many times that one of the purposes of the financial and property controls of the United States Government is to prevent the liquidation in the United States of assets looted by the Axis through duress and conquest.

One of the particular methods of dispossession practiced by the Axis powers has been the illegal seizure of large amounts of gold belonging to the nations they have occupied and plundered. The Axis powers have purported to sell such looted gold to various countries which continue to maintain diplomatic and commercial relations with the Axis, such gold thereby providing an important source of foreign exchange to the Axis and enabling the Axis to obtain much-needed imports from these countries.

The United States Treasury has already taken measures designed to protect the assets of the invaded countries and to prevent the Axis from disposing of looted currencies, securities, and other looted assets on the world market. Similarly, the United States Government cannot in any way condone the policy of systematic plundering adopted by the Axis or participate in any way directly or indirectly in the unlawful disposition of looted gold.

In view of the foregoing facts and considerations, the United States Government formally declares that it does not and will not recognize the

¹ The text of this declaration was communicated to the governments of certain other countries with a request that they take similar action.

² For text of declaration of Jan. 5, 1943, see *ante*, p. 754.

transference of title to the looted gold which the Axis at any time holds or has disposed of in world markets. It further declares that it will be the policy of the United States Treasury not to buy any gold presently located outside of the territorial limits of the United States from any country which has not broken relations with the Axis, or from any country which after the date of this announcement acquires gold from any country which has not broken relations with the Axis, unless and until the United States Treasury is fully satisfied that such gold is not gold which was acquired directly or indirectly from the Axis powers or is not gold which any such country has been or is enabled to release as a result of the acquisition of gold directly or indirectly from the Axis powers.³

It is understood that a similar declaration is being issued simultaneously by the United Kingdom Treasury and by the Union of Soviet Socialist Republics.

³ In an exchange of notes Feb. 22, 1944, between Acting Secretary of State Edward R. Stettinius, Jr., and Soviet Ambassador Andrei Gromyko, the Secretary confirmed the understanding that the provisions of this sentence "will not be held operative in respect to gold transactions of the Union of Soviet Socialist Republics".

COORDINATED CONTROL OF MERCHANT SHIPPING

Agreement, with annex, signed at London August 5, 1944

*Entered into force May 24, 1945*¹

*Terminated March 2, 1946*¹

61 Stat. 3784; Treaties and Other
International Acts Series 1722

AGREEMENT ON PRINCIPLES HAVING REFERENCE TO THE CONTINUANCE OF CO-ORDINATED CONTROL OF MERCHANT SHIPPING

THE undersigned representatives, duly authorised by their respective Governments or Authorities, hereinafter referred to as contracting Governments, have agreed as follows:

1. The contracting Governments declare that they accept as a common responsibility the provision of shipping for all military and other tasks necessary for, and arising out of, the completion of the war in Europe and the Far East and for the supplying of all the liberated areas as well as of the United Nations generally and territories under their authority.

2. The contracting Governments undertake to continue to maintain such powers of control over all ships which are registered in their territories or are otherwise under their authority as will enable them effectively to direct each ship's employment in accordance with the foregoing declaration. Subject to the provisions of paragraphs 3 and 9, this control shall continue to be exercised by each contracting Government through the mechanism of requisitioning for use or title.

3. The contracting Governments agree not to release from control any ships under their authority or permit them to be employed in any non-essential services or for any non-essential cargo unless the total overall tonnage is in excess of the total overall requirements, and then only in accordance with a mutually acceptable formula which shall not discriminate against the commercial shipping interests of any nation and shall extend to all contracting Governments an equitable opportunity for their respective tonnages to engage in commercial trades.

¹ In accordance with terms of para. 9. For text of arrangements in effect during a transitional period from Mar. 3 to Oct. 31, 1946, see TIAS 1723, *post*, vol. 4.

4. Neutral Governments having ships under their control in excess of the tonnage required to carry on their essential import requirements shall be invited to subscribe to obligations in respect of all their ships which shall ensure that their employment is in conformity with the general purposes of the United Nations.

5. The contracting Governments undertake to exercise control over the facilities for shipping available in their territories, by suitable measures on the lines of the United States and British Ship Warrant Schemes, and to take such other measures as may be necessary to secure that ships under all flags are used in conformity with the purposes of the United Nations. Other Governments acceding hereto shall give a similar undertaking.

6. Without prejudice to questions of disposition or title, the employment of such ships as may at any time be permitted to operate under enemy flag or authority shall be determined to serve the requirements of the United Nations.

7. (a) In order that the allocation of all ships under United Nations control may continue to be effectively determined to meet the requirements of the United Nations, a central authority shall be established, to come into operation upon the general suspension of hostilities with Germany. The central authority shall be organised in accordance with the plan agreed in the Annex.

(b) The central authority shall determine the employment of ships for the purpose of giving effect to the responsibilities assumed by each contracting Government in paragraph 1 to provide the tonnage required from time to time to meet current requirements for ships for the military and other purposes of the United Nations, and ships shall be allocated for those purposes by those Governments in accordance with the decisions of the central authority. So far as is consistent with the efficient overall use of shipping as determined by the central authority for those purposes, and with the provisions of paragraph 7(c), each contracting Government may allocate ships under its own authority, wholly or partly to cover the essential import requirements of territories for which it has special shipping responsibilities.

(c) In general, ships under the flag of one of the contracting Governments shall be under the control of the Government of that flag, or the Government to which they have been chartered.

In order to meet the special case of military requirements those ships which have been taken up, under agreements made by the United States Government and/or United Kingdom Government with the other Governments having authority for those ships, for use as troop-ships, hospital ships, and for other purposes in the service of the armed forces, shall remain on charter as at present to the War Shipping Administration and/or the Ministry of War Transport as the case may be,

under arrangements to be agreed between the Governments severally concerned. (Any further ships required for such purposes shall be dealt with in a like manner.)

The fact that these ships are assigned to military requirements shall not prejudice the right of the Governments concerned to discuss with the central authority the measures to be taken to provide shipping for their essential requirements within the scope of paragraph 1.

(d) The contracting Governments shall supply to one another, through the central authority, all information necessary to the effective working of the arrangements, *e.g.*, regarding programmes, employment of tonnage, and projected programmes, subject to the requirement of military secrecy.

(e) The central authority shall also initiate the action to be taken to give effect to paragraph 5 and shall direct action under paragraph 6.

(f) The terms of remuneration to be paid by the users (Government or private) of ships shall be determined by the central authority on a fair and reasonable basis in such manner as to give effect to the following two basic principles:

- (i) Ships of all flags performing the same or similar services should charge the same freights.
- (ii) Ships must be employed as required without regard to financial considerations.

8. The principles herein agreed shall apply to all types of merchant ships, irrespective of size, including passenger ships, tankers and whale factories when not used for whaling (but paragraph 7(b) will not be applicable to ships engaged in coastal trades and short trades between nearby countries, the arrangements for control of which shall be appropriate to meet the requirements prevailing in each particular area).

The principles shall also be applied to the extent necessary, through suitable machinery, to fishing vessels, whale catchers, and other similar craft in those areas where special measures in respect of such craft are agreed to be necessary. A special authority shall be set up capable of apportioning between naval and commercial services such craft as are available in those areas.

9. The foregoing principles shall take effect on the coming into operation of the central authority, and shall remain in effect for a period not extending beyond six months after the general suspension of hostilities in Europe or the Far East, whichever may be the later, unless it is unanimously agreed among the Governments represented on the duly authorised body of the central authority that any or all of the agreed principles may be terminated or modified earlier.

Done in London on the 5th day of August, 1944.

For the Government of Belgium:

A. BALTHAZAR

For the Government of Canada:

VINCENT MASSEY

A. L. MACCALLUM

For the Royal Hellenic Government:

G. VASSILIADIS

For the Government of the Netherlands:

J. M. DE BOOY

For the Government of Norway:

ARNE SUNDE

For the Government of the Republic of Poland:

J. KWAPINSKI

For the Government of the United Kingdom of Great Britain and Northern Ireland:

LEATHERS

For the Government of the United States of America:

PHILIP D. REED

HUNTINGTON T. MORSE

WALTER A. RADIUS

JOHN M. ALLISON

For the French Committee of National Liberation:

ANNEX

Organisation of the Central Authority

1. The central authority shall consist of—

(a) A Council (United Maritime Council).

(b) An Executive Board (United Maritime Executive Board).

(a) The United Maritime Council

2. Each contracting Government shall be represented on the Council. Membership of the Council shall also be open to all other Governments, whether of the United Nations or of neutral countries, which desire to accede and are prepared to accept the obligations of contracting Governments.

3. The Council shall meet when deemed necessary and at least twice a year at such places as may be convenient. Meetings shall be arranged by the Executive Board. The Council shall elect its own Chairman and determine its own procedure. The meetings of the Council are intended to provide the opportunity for informing the contracting Governments as to the overall shipping situation and to make possible the interchange of views between the contracting Governments on general questions of policy arising out of the working of the Executive Board.

(b) The United Maritime Executive Board

4. The Executive Board shall be established with Branches in Washington and London under War Shipping Administration and Ministry of War Transport chairmanship respectively.

5. The Executive Board shall exercise through its Branches the executive functions of the central authority. Appropriate machinery under the two Branches shall be established for the purpose of enabling them to discharge the functions described in paragraph 7 of the Agreement on Principles. Machinery to carry out the arrangements under paragraph 8 of that Agree-

ment as regards ships engaged in coasting and short sea trades, and as regards small craft shall be set up under the Executive Board.

6. The division of day-to-day responsibility between the two Branches of the Executive Board shall be established as convenient from time to time. So that the two Branches of the Executive Board may work in unison, meetings of the Executive Board as a whole shall be arranged at the instance of the two chairmen, as often as may be necessary, and at such place as may be convenient from time to time.

7. The membership of the Executive Board shall be restricted in numbers. By reason of their large experience in shipping normally engaged in international trade, and their large contribution of ships for the common purpose, the following Governments shall be represented on the Executive Board:

Government of the United Kingdom of Great Britain and Northern Ireland;

Government of the United States of America;

Government of the Netherlands;

Government of Norway.

It shall be open to the members of the Executive Board to recommend to contracting Governments additions to the membership of the Executive Board as circumstances may require in order to promote the effective working of the central authority.

8. Each contracting Government not represented on the Executive Board shall be represented by an associate member who shall be consulted by, and entitled to attend meetings of, the Executive Board or its Branches on matters affecting ships under the authority of that Government, or on matters affecting the supply of ships for the territories under the authority of that Government.

9. The Executive Board and its Branches shall proceed by agreement among the members. There shall be no voting.

10. The decisions of the Executive Board affecting the ships under the authority of any contracting Government shall be reached with the consent of that Government, acting through its representative on the Executive Board or through its associate member, as the case may be.

11. The Executive Board shall be the duly authorised body for the purpose of paragraph 9 of the Agreement on Principles, but it is understood that no decision reached under that paragraph by the Governments represented on the Executive Board shall impose any new or greater obligation on any other contracting Government without its express consent.

12. A Planning Committee shall be set up to begin work in London as soon as possible after the signature of the Agreement on Principles for the purpose of working out on a basis satisfactory to the contracting Governments the details of the machinery required to enable the Executive Board to discharge its functions, including the functions under paragraph 7(f).

Any contracting Government may be represented on the Planning Committee.

13. The Executive Board shall have the full use of the machinery and procedure of the War Shipping Administration and Ministry of War Transport in order to avoid duplication.

14. The contracting Governments shall nominate their representatives on the Planning Committee to the Governments of the United States and the United Kingdom, as soon as practicable. They shall also so nominate their representatives as members or as associate members of the Executive Board as the case may be. The Governments of the United States and the United Kingdom shall be responsible, in consultation with the other contracting Governments concerned, for determining the date of coming into operation of the central authority in accordance with paragraph 7(a) of the Agreement on Principles.

WAR TRADE BETWEEN SWITZERLAND AND THE AXIS POWERS

*Exchange of letters at London August 14, 1944, modifying agreement
of December 19, 1943*

Entered into force August 14, 1944

1944 For. Rel. (IV) 758

*Paul Keller of the Swiss Delegation to Lord Selborne, British Minister of
Economic Warfare, and Winfield W. Riefler of the American Embassy in
the United Kingdom*

LONDON, August 14, 1944

DEAR LORD SELBORNE AND MR. RIEFLER: With reference to our negotiations regarding the Anglo-American-Swiss Agreement of December 19th, 1943,¹ I attach a Schedule ² of export ceilings for the second half of 1944 to replace Annex I of that Agreement.

It is agreed that clauses 7 and 8 of the Agreement of December 19th shall be modified as follows:

Clause 7. "The Swiss Government will control the grant of export licences so as to prevent an abnormal concentration upon any particular article of manufacture".

Clause 8.(b) 1, Repair Trade. "For tariff items covered by Annex I, to one half of the value of these exports in 1942".

I shall be glad if you will confirm that the above states correctly the outcome of our negotiations.

Yours sincerely,

P. KELLER

*Lord Selborne, British Minister of Economic Warfare, and Winfield W.
Riefler of the American Embassy in the United Kingdom to Paul Keller
of the Swiss Delegation*

[August 14, 1944]

We acknowledge receipt of your letter of today's date. On behalf of His Majesty's Government in the United Kingdom and the United States Govern-

¹ *Ante*, p. 876.

² Not printed here.

ment we confirm that the outcome of our negotiations to date regarding the Anglo-American-Swiss agreement of December 1943 has been correctly stated by you.

[LORD SELBORNE]

[WINFIELD W. RIEFLER]

Lord Selborne, British Minister of Economic Warfare, and Winfield W. Riefler of the American Embassy in the United Kingdom to Paul Keller of the Swiss Delegation

[August 14, 1944]

With reference to our letter of today's date on the subject of the Anglo-American-Swiss Agreement of December 1943 we wish to make it clear that in view of the rapidly changing military situation we reserve the right to call upon the Swiss Government at any time from now onwards for further reductions in or complete embargo on certain of all Swiss exports to the Axis.

[LORD SELBORNE]

[WINFIELD W. RIEFLER]

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol signed at London August 31, 1944, prolonging agreement of
May 6, 1937*¹

Senate advice and consent to ratification December 6, 1944

Ratified by the President of the United States March 9, 1945

Ratification of the United States deposited at London April 13, 1945

*Entered into force September 1, 1944; for the United States April 13,
1945, operative from September 1, 1944*

Proclaimed by the President of the United States April 20, 1945

59 Stat. 951; Treaty Series 990

PROTOCOL

WHEREAS an International Agreement regarding the Regulation of the Production and Marketing of Sugar (hereinafter referred to as "the Agreement") was signed in London on the 6th May, 1937;²

And whereas by a Protocol signed in London on the 22nd July, 1942,³ the Agreement was regarded as having come into force on the 1st September, 1937, in respect of the Governments signatory of the Protocol;

And whereas it was provided in the said Protocol that the Agreement should continue in force between the said Governments for a period of two years after the 31st August, 1942;

Now, therefore, the Governments signatory of the present Protocol, considering that it is expedient that the Agreement should be prolonged for a further term as between themselves, subject, in view of the present emergency, to the conditions stated below, have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Governments signatory of this Protocol for a period of one year after the 31st August, 1944.

ARTICLE 2

During the period specified in Article 1 above the provisions of Chapters III, IV and V of the Agreement shall be inoperative.

¹ The sugar agreement was further prolonged, with the exception of chapters III, IV, and V, by a protocol of Aug. 31, 1945 (TIAS 1523, *post*, p. 1248).

² TS 990, *ante*, p. 388.

³ TS 990, *ante*, p. 722.

ARTICLE 3

1. The Governments signatory of the present Protocol recognise that revision of the Agreement is necessary and should be undertaken as soon as the time appears opportune. Discussion of any such revision should take the existing Agreement as the starting point.

2. For the purposes of such revision due account shall be taken of any general principles of commodity policy embodied in any agreements which may be concluded under the auspices of the United Nations.

ARTICLE 4

Before the conclusion of the period of one year specified in Article 1 the contracting Governments, if the steps contemplated in Article 3 have not been taken, will discuss the question of a further renewal of the Agreement.

ARTICLE 5

The present Protocol shall bear the date the 31st August, 1944, and shall remain open for signature until the 30th September, 1944; provided however that any signatures appended after the 31st August, 1944, shall be deemed to have effect as from that date.

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

Done in London on the 31st day of August, 1944, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be furnished to the signatory Governments.

For the Government of the Union of
South Africa:

DENEYS REITZ

For the Government of the Common-
wealth of Australia:

S. M. BRUCE

For the Government of Belgium:

VTE DE LANTSHEERE

For the Government of Brazil:

MONIZ DE ARAGÃO

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

ANTHONY EDEN

For the Government of the Republic
of Cuba:

G. DE BLANCK

For the Government of Czechoslovakia:

DR. V. JANSÁ

For the Government of the Dominican
Republic:

R. PÉREZ-ALFONSECA

For the Government of Haiti:

JOHN G. WINANT

For the Government of the Netherlands:

E. TEIXEIRA DE MATTOS

For the Government of Peru:

F. BERCKEMEYER

For the Government of Portugal:

PALMELLA

For the Government of the Union of
Soviet Socialist Republics:

F. GOUSEV

For the Government of the United
States of America:

JOHN G. WINANT

Subject to ratification.

(In respect of the Commonwealth of the
Philippines):

JOHN G. WINANT

For the Government of Poland:

Z. MERDINGER

ARMISTICE WITH ROMANIA¹

Agreement, with annex and protocol, signed at Moscow September 12, 1944

Entered into force September 12, 1944

59 Stat. 1712; Executive Agreement Series 490

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE SOVIET UNION, AND THE UNITED KINGDOM ON THE ONE HAND AND THE GOVERNMENT OF RUMANIA ON THE OTHER CONCERNING AN ARMISTICE

The Government and High Command of Rumania, recognizing the fact of the defeat of Rumania in the war against the Union of Soviet Socialist Republics, the United States of America, and the United Kingdom, and the other United Nations, accept the armistice terms presented by the Governments of the above-mentioned three Allied Powers, acting in the interests of all the United Nations.

On the basis of the foregoing the representative of the Allied (Soviet) High Command, Marshal of the Soviet Union, R. Ya. Malinovski, duly authorized thereto by the Governments of the United States of America, the Soviet Union, and the United Kingdom, acting in the interests of all the United Nations, on the one hand, and the representatives of the Government and High Command of Rumania, Minister of State and Minister of Justice L. Patrascanu, Deputy Minister of Internal Affairs, Adjutant of His Majesty the King of Rumania, General D. Damaceanu, Prince Stirbey, and Mr. G. Popp, on the other hand, holding proper full-powers, have signed the following conditions:

1. As from August 24, 1944, at 4 a. m., Rumania has entirely discontinued military operations against the Union of Soviet Socialist Republics on all theatres of war, has withdrawn from the war against the United Nations, has broken off relations with Germany and her satellites, has entered the war and will wage war on the side of the Allied Powers against Germany and Hungary for the purpose of restoring Rumanian independence and sover-

¹ A treaty of peace with Romania (TIAS 1649, *post*, vol. 4) was signed Feb. 10, 1947, and entered into force Sept. 15, 1947.

eignty, for which purpose she provides not less than 12 infantry divisions with Corps Troops.

Military operations on the part of Rumanian armed forces, including Naval and Air Forces, against Germany and Hungary will be conducted under the general leadership of the Allied (Soviet) High Command.

2. The Government and High Command of Rumania undertake to take steps for the disarming and interning of the armed forces of Germany and Hungary on Rumanian territory and also for the interning of the citizens of both states mentioned who reside there. (See Annex to Article 2.)

3. The Government and High Command of Rumania will ensure to the Soviet and other Allied forces facilities for free movement on Rumanian territory in any direction if required by the military situation, the Rumanian Government and High Command of Rumania giving such movement every possible assistance with their own means of communications and at their own expense on land, on water and in the air. (See Annex to Article 3.)

4. The State frontier between the Union of Soviet Socialist Republics and Rumania, established by the Soviet-Rumanian Agreement of 28th June, 1940, is restored.

5. The Government and High Command of Rumania will immediately hand over all Soviet and Allied prisoners of war in their hands, as well as interned citizens and citizens forcibly removed to Rumania, to the Allied (Soviet) High Command for the return of these persons to their own country.²

From the moment of the signing of the present terms and until repatriation the Rumanian Government and High Command undertake to provide at their own expense all Soviet and Allied prisoners of war, as well as forcibly removed and interned citizens, and displaced persons and refugees, with adequate food, clothing and medical service, in accordance with hygienic requirements, as well as with means of transport for the return of all these persons to their own country.

6. The Rumanian Government will immediately set free, irrespective of citizenship and nationality, all persons held in confinement on account of their activities in favor of the United Nations or because of their sympathies with the cause of the United Nations, or because of their racial origin, and will repeal all discriminatory legislation and restrictions imposed thereunder.

7. The Rumanian Government and High Command undertake to hand over as trophies into the hands of the Allied (Soviet) High Command all war material of Germany and her satellites located on Rumanian territory, including vessels of the fleet of Germany and her satellites located in Rumanian waters.²

8. The Rumanian Government and High Command undertake not to permit the export or expropriation of any form of property (including valu-

² For understandings relating to arts. 5, 7, and 9, see protocol, p. 906.

ables and currency) belonging to Germany, Hungary or to their nationals or to persons resident in their territories or in the territories occupied by them without the permission of the Allied (Soviet) High Command. They will keep this property in such manner as may be prescribed by the Allied (Soviet) High Command.

9. The Rumanian Government and High Command undertake to hand over to the Allied (Soviet) High Command all vessels belonging or having belonged to the United Nations which are located in Rumanian ports, no matter at whose disposal these vessels may be, for the use of the Allied (Soviet) High Command during the period of the war against Germany and Hungary in the general interests of the Allies, these vessels subsequently to be returned to their owners.²

The Rumanian Government bear the full material responsibility for any damage or destruction of the aforementioned property until the moment of the transfer of this property to the Allied (Soviet) High Command.

10. The Rumanian Government must make regular payments in Rumanian currency required by the Allied (Soviet) High Command for the fulfillment of its functions and will in case of need ensure the use on Rumanian territory of industrial and transportation enterprises, means of communication, power stations, enterprises and installations of public utility, stores of fuel, fuel oil, food and other materials, services in accordance with instructions issued by the Allied (Soviet) High Command.

Rumanian merchant vessels, whether in Rumanian or foreign waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interest of the Allies. (See Annex to Article 10.)

11. Losses caused to the Soviet Union by military operations and by the occupation by Rumania of Soviet territory will be made good by Rumania to the Soviet Union, but, taking into consideration that Rumania has not only withdrawn from the war, but has declared war and in fact is waging war against Germany and Hungary, the Parties agree that compensation for the indicated losses will be made by Rumania not in full but only in part, namely to the amount of 300 million United States dollars payable over six years in commodities (oil-products, grain, timber products, seagoing and river craft, sundry machinery, *et cetera*.)

Compensation will be paid by Rumania for losses caused to the property of other Allied States and their nationals in Rumania during the war, the amount of compensation to be fixed at a later date. (See Annex to Article 11.)

12. The Rumanian Government undertakes within the periods indicated by the Allied (Soviet) High Command to return to the Soviet Union in complete good order all valuables and materials removed from its territory during the war, belonging to State, public and cooperative organizations, enterprises, institutions or individual citizens, such as: factory and works equipment,

locomotives, railway trucks, tractors, motor vehicles, historic monuments, museum valuables and any other property.

13. The Rumanian Government undertakes to restore all legal rights and interests of the United Nations and their nationals on Rumanian territory as they existed before the war and to return their property in complete good order.

14. The Rumanian Government and High Command undertake to collaborate with the Allied (Soviet) High Command in the apprehension and trial of persons accused of war crimes.

15. The Rumanian Government undertakes immediately to dissolve all pro-Hitler organizations (of a Fascist type) situated in Rumanian territory, whether political, military or para-military, as well as other organizations conducting propaganda hostile to the United Nations, in particular to the Soviet Union, and will not in future permit the existence of organizations of that nature.

16. The printing, importation and distribution in Rumania of periodical and non-periodical literature, the presentation of theatrical performances and films, the work of wireless stations, post, telegraph and telephone shall be carried out in agreement with the Allied (Soviet) High Command. (See Annex to Article 16.)

17. Rumanian civil administration is restored in the whole area of Rumania separated by not less than 50-100 kilometres (depending upon conditions of terrain) from the front line, Rumanian administrative bodies undertaking to carry out, in the interests of the reestablishment of peace and security, instructions and orders of the Allied (Soviet) High Command issued by them for the purpose of securing the execution of these armistice terms.

18. An Allied Control Commission will be established which will undertake until the conclusion of peace³ the regulation of and control over the execution of the present terms under the general direction and orders of the Allied (Soviet) High Command, acting on behalf of the Allied Powers. (See Annex to Article 18.)

19. The Allied Governments regard the decision of the Vienna Award regarding Transylvania as null and void and are agreed that Transylvania (or the greater part thereof) should be returned to Rumania, subject to confirmation at the peace settlement,³ and the Soviet Government agrees that Soviet forces shall take part for this purpose in joint military operations with Rumania against Germany and Hungary.

20. The present terms come into force at the moment of their signing.

³ See footnote 1, p. 901.

Done in Moscow, in four copies, each in the Russian, English and Rumanian languages, the Russian and English texts being authentic.

September 12, 1944.

By authority of The Governments of the
United States of America, the Union
of Soviet Socialist Republics and the
United Kingdom.

MALINOVSKI

[SEAL]

By authority of The Government and
High Command of Rumania.

LUCRETIU PATRASCANU

GL. ADJ. DAMACEANU

B. STIRBEY

GH. POPP

[SEAL]

ANNEX TO THE ARMISTICE AGREEMENT BETWEEN THE GOVERNMENTS OF
THE UNITED STATES OF AMERICA, THE SOVIET UNION, AND THE UNITED
KINGDOM ON THE ONE HAND AND THE GOVERNMENT OF ROMANIA ON
THE OTHER HAND

A. Annex to Article 2

The measures provided for in Article 2 of the Agreement regarding the internment of citizens of Germany and Hungary now in Rumanian territory do not extend to citizens of those countries of Jewish origin.

B. Annex to Article 3

Under cooperation of the Rumanian Government and High Command of Rumania, mentioned in Article 3 of the Agreement, is understood the placing at the disposal of the Allied (Soviet) High Command for use at its discretion during the Armistice all Rumanian military, air and naval constructions and installations, ports, harbors, barracks, warehouses, airfields, means of communication, meteorological stations which might be required for military needs in complete good order and with the personnel required for their maintenance.

C. Annex to Article 10

The Rumanian Government will withdraw and redeem within such time limits and on such terms as the Allied (Soviet) High Command may specify, all holdings in Rumanian territory of currencies issued by the Allied (Soviet) High Command, and will hand over currency so withdrawn free of cost to the Allied (Soviet) High Command.

D. Annex to Article 11

The basis for settlements of payment of compensation provided for in Article 11 of the present Agreement will be the American dollar at its gold parity on the day of signing of the Agreement, i. e., 35 dollars for 1 ounce of gold.

E. Annex to Article 16

The Rumanian Government undertakes that wireless communication, telegraphic and postal correspondence, correspondence in cypher and courier correspondence, as well as telephonic communication with foreign countries of Embassies, Legations and Consulates situated in Rumania, will be conducted in the manner laid down by the Allied (Soviet) High Command.

F. Annex to Article 18

Control over the exact execution of the Armistice terms is entrusted to the Allied Control Commission to be established in conformity with Article 18 of the Armistice Agreement.

The Rumanian Government and their organs shall fulfill all instructions of the Allied Control Commission arising out of the Armistice Agreement.

The Allied Control Commission will set up special organs or sections entrusting them respectively with the execution of various functions. In addition, the Allied Control Commission may have its officers in various parts of Rumania.

The Allied Control Commission will have its seat in the city of Bucharest.

Moscow:

September 12, 1944.

PROTOCOL TO THE ARMISTICE AGREEMENT BETWEEN THE GOVERNMENTS
OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST
REPUBLICS AND THE UNITED KINGDOM, ON THE ONE HAND, AND THE
GOVERNMENT OF ROUMANIA, ON THE OTHER HAND

On the occasion of the signing of an armistice with the Government of Roumania, the Allied Governments signatory thereto are agreed:

1. Paragraph 1 of Article 5 of the Armistice Agreement defines the obligations undertaken by the Roumanian Government in regard to the surrender to the Allied authorities of Allied prisoners of war and Allied citizens interned in or forcibly removed to Roumania. Each Allied Government shall decide which of its nationals shall or shall not be repatriated.

2. That the term "war material" used in Article 7 shall be deemed to include all material or equipment belonging to, used by, or intended for use by, enemy military or para-military formations or members thereof.

3. That the use by the Allied (Soviet) High Command of Allied vessels handed back by the Government of Roumania in accordance with Article 9 of the armistice and the date of their return to their owners will be matters for discussion and settlement between the Allied Governments concerned and the Government of the Soviet Union.

Done in Moscow in three copies, each in the English and Russian languages, both English and Russian texts being authentic.

12th September, 1944.

By authority of the
Government of the
United States of America

By authority of the
Government of the
Union of Soviet Socialist
Republics

By authority of the
Government of the
United Kingdom

W. A. HARRIMAN

[SEAL]

A. VYSHINSKY

[SEAL]

ARCHIBALD CLARK KERR

[SEAL]

GERMANY: ZONES OF OCCUPATION AND ADMINISTRATION OF "GREATER BERLIN" AREA

*Protocol signed in the European Advisory Commission at London
September 12, 1944*

Approved by the United States February 2, 1945

Entered into force February 6, 1945

Amended by agreements of November 14, 1944, and July 26, 1945

[For text of protocol and amendments, see 5 UST 2078; TIAS 3071.]

ARMISTICE WITH BULGARIA ¹

Agreement and protocol signed at Moscow October 28, 1944

Entered into force October 28, 1944

58 Stat. 1498; Executive Agreement Series 437

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED KINGDOM, ON THE ONE HAND, AND THE GOVERNMENT OF BULGARIA, ON THE OTHER HAND, CONCERNING AN ARMISTICE

The Government of Bulgaria accepts the armistice terms presented by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, acting on behalf of all the United Nations at war with Bulgaria.

Accordingly, the representative of the Supreme Allied Commander in the Mediterranean, Lieutenant-General Sir James Gammell, and the representative of the Soviet High Command, Marshal of the Soviet Union F. I. Tolbukhin, duly authorized thereto by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, acting on behalf of all the United Nations at war with Bulgaria, on the one hand, and representatives of the Government of Bulgaria, Mr. P. Stainov, Minister of Foreign Affairs, Mr. D. Terpeshev, Minister without Portfolio, Mr. N. Petkov, Minister without Portfolio, and Mr. P. Stoyanov, Minister of Finance, furnished with due powers, on the other hand, have signed the following terms:

1. (a) Bulgaria, having ceased hostilities with the U.S.S.R. on September 9, and severed relations with Germany on September 6 and with Hungary on September 26, has ceased hostilities against all the other United Nations.

(b) The Government of Bulgaria undertakes to disarm the German armed forces in Bulgaria and to hand them over as prisoners of war.

The Government of Bulgaria also undertakes to intern nationals of Germany and her satellites.

¹ A treaty of peace with Bulgaria (TIAS 1650, *post*, vol. 4) was signed Feb. 10, 1947, and entered into force Sept. 15, 1947.

(c) The Government of Bulgaria undertakes to maintain and make available such land, sea and air forces as may be specified for service under the general direction of the Allied (Soviet) High Command. Such forces must not be used on Allied territory except with the prior consent of the Allied Government concerned.

(d) On the conclusion of hostilities against Germany, the Bulgarian armed forces must be demobilized and put on a peace footing under the supervision of the Allied Control Commission.

2. Bulgarian armed forces and officials must be withdrawn within the specified time limit from the territory of Greece and Yugoslavia in accordance with the pre-condition accepted by the Government of Bulgaria on October 11; the Bulgarian authorities must immediately take steps to withdraw from Greek and Yugoslav territory Bulgarians who were citizens of Bulgaria on January 1, 1941, and to repeal all legislative and administrative provisions relating to the annexation or incorporation in Bulgaria of Greek or Yugoslav territory.

3. The Government of Bulgaria will afford to Soviet and other Allied forces freedom of movement over Bulgarian territory in any direction, if in the opinion of the Allied (Soviet) High Command the military situation so requires, the Government of Bulgaria giving to such movements every assistance with its own means of communication, and at its own expense, by land, water and in the air.

4. The Government of Bulgaria will immediately release all Allied prisoners of war and internees. Pending further instructions the Government of Bulgaria will at its own expense provide all Allied prisoners of war and internees, displaced persons and refugees, including nationals of Greece and Yugoslavia, with adequate food, clothing, medical services and sanitary and hygienic requirements, and also with means of transportation for the return of any such persons to their own country.

5. The Government of Bulgaria will immediately release, regardless of citizenship or nationality, all persons held in detention in Bulgaria in connection with their activities in favor of the United Nations, or because of their sympathies with the United Nations' cause or for racial or religious reasons, and will repeal all discriminatory legislation and disabilities arising therefrom.

6. The Government of Bulgaria will cooperate in the apprehension and trial of persons accused of war crimes.

7. The Government of Bulgaria undertakes to dissolve immediately all pro-Hitler or other Fascist political, military, para-military and other organizations on Bulgarian territory conducting propaganda hostile to the United Nations, and not to tolerate the existence of such organizations in future.

8. The publication, introduction and distribution in Bulgaria of periodical or non-periodical literature, the presentation of theatrical performances or films, the operation of wireless stations, post, telegraph and telephone services will take place in agreement with the Allied (Soviet) High Command.

9. The Government of Bulgaria will restore all property of the United Nations and their nationals, including Greek and Yugoslav property, and will make such reparation for loss and damage caused by the war to the United Nations, including Greece and Yugoslavia, as may be determined later.²

10. The Government of Bulgaria will restore all rights and interests of the United Nations and their nationals in Bulgaria.

11. The Government of Bulgaria undertakes to return to the Soviet Union, to Greece and Yugoslavia, and to the other United Nations by the dates specified by the Allied Control Commission and in a good state of preservation, all valuables and materials removed during the war by Germany or Bulgaria from United Nations' territory and belonging to state, public or cooperative organizations, enterprises, institutions or individual citizens such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures and any other property.

12. The Government of Bulgaria undertakes to hand over as booty to the Allied (Soviet) High Command all war material of Germany and her satellites located on Bulgarian territory, including vessels of the fleets of Germany and her satellites located in Bulgarian waters.²

13. The Government of Bulgaria undertakes not to permit the removal or expropriation of any form of property (including valuables and currency), belonging to Germany or Hungary or to their nationals or to persons resident in their territories or in territories occupied by them, without the permission of the Allied Control Commission. The Government of Bulgaria will safeguard such property in the manner specified by the Allied Control Commission.

14. The Government of Bulgaria undertakes to hand over to the Allied (Soviet) High Command all vessels belonging to the United Nations which are in Bulgarian ports, no matter at whose disposal these vessels may be, for the use of the Allied (Soviet) High Command during the war against Germany or Hungary in the common interest of the Allies, the vessels to be returned subsequently to their owners.²

The Government of Bulgaria will bear full material responsibility for any damage to or destruction of the aforesaid property up to the moment of its transfer to the Allied (Soviet) High Command.

15. The Government of Bulgaria must make regular payments in Bulgarian currency and must supply goods (fuel, foodstuffs, *et cetera*), facilities

² For understandings relating to arts. 9, 12, 14, and 15, see protocol, p. 912.

and services as may be required by the Allied (Soviet) High Command for the discharge of its functions.²

16. Bulgarian merchant vessels, whether in Bulgarian or foreign waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interest of the Allies.

17. The Government of Bulgaria will arrange in case of need for the utilization in Bulgarian territory of industrial and transport enterprises, means of communication, power stations, public utility enterprises and installations, stocks of fuel and other materials in accordance with the instructions issued during the armistice by the Allied (Soviet) High Command.

18. For the whole period of the armistice there will be established in Bulgaria an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command, and with the participation of representatives of the United States and the United Kingdom.

During the period between the coming into force of the armistice and the conclusion of hostilities against Germany the Allied Control Commission will be under the general direction of the Allied (Soviet) High Command.

19. The present terms will come into force on their signing.

Done at Moscow in quadruplicate, in the Russian, English and Bulgarian languages, the Russian and English texts being authentic.

October 28, 1944.

For the Governments of the United
States of America, the Union of Soviet
Socialist Republics and the United
Kingdom

*Representative of the Supreme Allied
Commander in the Mediterranean*
J. A. H. GAMMELL, LT. GEN. [SEAL]

*Representative of the Soviet High Com-
mand*

F. I. TOLBUKHIN [SEAL]

For the Government of Bulgaria

P. STAINOV
D. TERPESHEV
N. PETKOFF
P. STOYANOV
[SEAL]

PROTOCOL TO THE AGREEMENT CONCERNING AN ARMISTICE WITH BULGARIA

At the time of the signing of the Armistice Agreement with the Government of Bulgaria, the Allied Governments signatory thereto have agreed to the following:

1. In connexion with Article 9 it is understood that the Government of Bulgaria will immediately make available certain foodstuffs for the relief of the population of Greek and Yugoslav territories which have suffered as a result of Bulgarian aggression. The quantities of each product to be delivered

will be determined by agreement between the three governments and will be considered as part of the reparation by Bulgaria for loss and damage sustained by Greece and Yugoslavia.

2. The term "war material" used in Article 12 shall be deemed to include all material or equipment belonging to, used by, or intended for use by enemy military or para-military formations or members thereof.

3. The use by the Allied (Soviet) High Command of Allied vessels handed over by the Government of Bulgaria in accordance with Article 14 of the armistice and the date of their return to their owners will be the subject of discussion and settlement between the Allied governments concerned and the Government of the Soviet Union.

4. It is understood that in the application of Article 15 the Allied (Soviet) High Command will also arrange for provision of Bulgarian currency, supplies, services, *etcetera*. to meet the needs of the representatives of the governments of the United States and United Kingdom in Bulgaria.

Done at Moscow in triplicate, in the Russian and English languages, both the Russian and English texts being authentic.

October 28, 1944.

For the Government of
the United States of
America

GEORGE F. KENNAN
[SEAL]

For the Government of
the Union of Soviet So-
cialist Republics

A. VYSHINSKI
[SEAL]

For the Government of
the United Kingdom

ARCHIBALD CLARK KERR
[SEAL]

GERMANY: ALLIED CONTROL COUNCIL

*Agreement signed in the European Advisory Commission at London
November 14, 1944*

Approved by the United States January 24, 1945

Entered into force February 6, 1945

Amended by agreement of May 1, 1945

[For text of agreement and amendment, see 5 UST 2062; TIAS 3070.]

GERMANY: ZONES OF OCCUPATION AND ADMINISTRATION OF "GREATER BERLIN" AREA

Agreement signed in the European Advisory Commission at London

November 14, 1944, amending protocol of September 12, 1944

Approved by the United States February 2, 1945

Entered into force February 6, 1945

Amended by agreement of July 26, 1945

[For text of agreement and amendment, see 5 UST 2087; TIAS 3071.]

AIR SERVICES TRANSIT

Agreement opened for signature at Chicago December 7, 1944, and signed for the United States December 7, 1944

Accepted by the United States, with an understanding, February 8, 1945¹

Entered into force January 30, 1945; ² for the United States February 8, 1945

59 Stat. 1693; Executive Agreement Series 487

INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

The States which sign and accept this International Air Services Transit Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1

Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

- (1) The privilege to fly across its territory without landing;
- (2) The privilege to land for non-traffic purposes.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation³ and, when

¹ The United States accepted with the understanding that "the provisions of Article II, Section 2, of the International Air Services Transit Agreement . . . shall become operative as to the United States of America at such time as the Convention on International Civil Aviation, signed at the International Civil Aviation Conference, shall be ratified by the United States of America . . ."

² Date of deposit of second instrument of acceptance.

³ EAS 469, *post*, p. 929.

it comes into force, with the provisions of the Convention on International Civil Aviation,⁴ both drawn up at Chicago on December 7, 1944.

Section 3

A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of a contracting State.

Section 4

Each contracting State may, subject to the provisions of this Agreement,

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 5

Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE II

Section 1

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such

⁴ TIAS 1591, *post*, p. 944.

consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

*Section 2*⁵

If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE III

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

ARTICLE IV

Pending the coming into force of the above-mentioned Convention, all references to it herein, other than those contained in Article II, Section 2, and Article V, shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and Interim Council, respectively.

ARTICLE V

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

ARTICLE VI

Signatures and Acceptances of Agreement

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United

⁵ For text of U.S. understanding regarding art. II, sec. 2, see footnote 1, p. 916.

States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their respective signatures.*

DONE at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

For Afghanistan:

A. HOSAYN AZIZ

For the Government of the Commonwealth of Australia:

For Belgium:

For Bolivia:

TENL. AL. PACHECO

For Brazil:

For Canada:

For Chile:

R. SAÉNZ

G. BISQUERT

R. MAGALLANES B

For China:

For Colombia:

For Costa Rica:

For Cuba:

For Czechoslovakia:

For the Dominican Republic:

For Ecuador:

J. A. CORREA

FRANCISCO GOMEZ JURADO

For Egypt:

M. HASSAN

M. ROUSHDY

M. A. KHALIFA

For El Salvador:

* All signatures printed here were affixed on the opening day, Dec. 7, 1944; dates appear opposite signatures affixed thereafter.

For Ethiopia:

For France:

M. HYMANS
C. LEBEL
BOURGES
P. LOCUSSOL

For Greece:

DT NOTI BOTZARIS
A. J. ARGYROPOULOS

For Guatemala:

For Haiti:

G. EDOUARD ROY

For Honduras:

E. P. LEFEBVRE

For Iceland:

For India:

G. V. BEWOOR

For Iran:

M. SHAYESTEH

For Iraq:

ALI JAWDAT

For Ireland:

For Lebanon:

C. CHAMOUN
F. EL-HOSS

For Liberia:

WALTER F. WALKER

For Luxembourg:

For Mexico:

PEDRO A. CHAPA

For the Netherlands:

M. STEENBERGHE
COPEs
F. C. ARONSTEIN

For the Government of New Zealand:

DANIEL GILES SULLIVAN

For Nicaragua:

R. E. FRIZELL

For Norway:

For Panama:

For Paraguay:

For Peru:

A. REVOREDO
J. S. KOECHLIN
LUIS ALVARADO
F. ELGUERA
GLLMO VAN OORDT LEÓN

For the Philippine Commonwealth:

J. HERNANDEZ
URBANO A. ZAFRA
J. H. FOLEY

For Poland:

ZBYSŁAW CIOLKOSZ
DR. H. J. GORECKI
STEFAN J. KORNOBSKI
WITOLD A. URBANOWICZ
LUDWIK H. GOTTLIEB

For Portugal:

For Spain:

E. TERRADAS
GERMÁN BARAIBAR

For Sweden:

R. KUMLIN

For Switzerland:

For Syria:

For Turkey:

S. KOCAK
F. SAHINBAS
ORHAN H. EROL

For the Union of South Africa:

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

I declare that, failing later notification of inclusion, my signature to this Agreement does not cover Newfoundland.⁷

SWINTON

For the United States of America:

ADOLF A. BERLE JR.
ALFRED L. BULWINKLE
CHAS. A. WOLVERTON
F. LA GUARDIA
EDWARD WARNER
L. WELCH POGUE
WILLIAM A. M. BURDEN

⁷ The U.K. reservation excluding Newfoundland was withdrawn by notice dated Feb. 7, 1945.

For Uruguay:

CARL CARBAJAL

COL. MEDARDO R. FARIAS

For Venezuela:

The Delegation of Venezuela signs *ad referendum* and with the understanding that the approval of this document for its Government is subject to the constitutional provisions of the United States of Venezuela [translation].

F. J. SUCRE

J. BLANCO USTÁRIZ

For Yugoslavia:

For Denmark:

HENRIK KAUFFMANN

For Thailand:

M. R. SENI PRAMOJ

[The agreement was signed for Australia on July 4, 1945; for Belgium on April 9, 1945; for Canada on February 10, 1945; for Costa Rica on March 10, 1945; for Cuba on April 20, 1945; for Czechoslovakia on April 18, 1945; for El Salvador on May 9, 1945; for Ethiopia on March 22, 1945; for Guatemala on January 30, 1945; for Iceland on April 4, 1945; for Luxembourg on July 9, 1945; for Norway on January 30, 1945; for Paraguay on July 27, 1945; for South Africa on June 4, 1945; for Switzerland on July 6, 1945; and for Syria on July 6, 1945.]

AIR TRANSPORT

Agreement opened for signature at Chicago December 7, 1944, and signed for the United States December 7, 1944

Accepted by the United States, with an understanding, February 8, 1945¹

Entered into force February 8, 1945²

Terminated as to the United States July 25, 1947³

59 Stat. 1701; Executive Agreement Series 488

INTERNATIONAL AIR TRANSPORT AGREEMENT

The States which sign and accept this International Air Transport Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1

Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

- (1) The privilege to fly across its territory without landing;
- (2) The privilege to land for non-traffic purposes;
- (3) The privilege to put down passengers, mail and cargo taken on in the territory of the State whose nationality the aircraft possesses;
- (4) The privilege to take on passengers, mail and cargo destined for the territory of the State whose nationality the aircraft possesses;
- (5) The privilege to take on passengers, mail and cargo destined for the territory of any other contracting State and the privilege to put down passengers, mail and cargo coming from any such territory.

¹ The United States accepted with the understanding that "the provisions of . . . Article IV, Section 3, of the International Air Transport Agreement shall become operative as to the United States of America at such time as the Convention on International Civil Aviation, signed at the International Civil Aviation Conference, shall be ratified by the United States of America"

² Date of deposit of second instrument of acceptance.

³ Pursuant to notice of denunciation given by the United States July 25, 1946, in accordance with terms of art. V.

With respect to the privileges specified under paragraphs (3), (4), and (5) of this section, the undertaking of each contracting State relates only to through services on a route constituting a reasonably direct line out from and back to the homeland of the State whose nationality the aircraft possesses.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation⁴ and, when it comes into force, with the provisions of the Convention on International Civil Aviation,⁵ both drawn up at Chicago on December 7, 1944.

Section 3

A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of any contracting State.

Section 4

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Section 5

Each contracting State may, subject to the provisions of this Agreement,

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

⁴ EAS 469, *post*, p. 929.

⁵ TIAS 1591, *post*, p. 944.

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 6

Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE II

Section 1

The contracting States accept this Agreement as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which has undertaken any other obligations inconsistent with this Agreement shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Agreement.

Section 2

Subject to the provisions of the preceding section, any contracting State may make arrangements concerning international air services not inconsistent with this Agreement. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

ARTICLE III

Each contracting State undertakes that in the establishment and operation of through services due consideration shall be given to the interests of the other contracting States so as not to interfere unduly with their regional services or to hamper the development of their through services.

ARTICLE IV

Section 1

Any contracting State may by reservation attached to this Agreement at the time of signature or acceptance elect not to grant and receive the rights and obligations of Article I, Section 1, paragraph (5), and may at any time after acceptance, on six months' notice given by it to the Council, withdraw itself from such rights and obligations. Such contracting State may on six months' notice to the Council assume or resume, as the case may be, such rights and obligations. No contracting State shall be obliged to grant any rights under the said paragraph to any contracting State not bound thereby.

Section 2

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

Section 3^e

If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE V

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

^e For text of U.S. understanding regarding art. IV, sec. 3, see footnote 1, p. 922.

ARTICLE VI

Pending the coming into force of the above-mentioned Convention, all references to it herein other than those contained in Article IV, Section 3, and Article VII shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and the Interim Council, respectively.

ARTICLE VII

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

ARTICLE VIII

Signatures and Acceptances of Agreement

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their signatures.⁷

DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature

⁷ All signatures printed here were affixed on the opening day, Dec. 7, 1944; dates appear opposite signatures affixed thereafter.

at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

For Afghanistan:

A. HOSAYN AZIZ

For the Government of the Commonwealth of Australia:

For Belgium:

For Bolivia:

TCNL. AL. PACHECO

For Brazil:

For Canada:

For Chile:

For China:

CHANG KIA-NGAU

For Colombia:

For Costa Rica:

For Cuba:

For Czechoslovakia:

For the Dominican Republic:

C. A. McLAUGHLIN

For Ecuador:

J. A. CORREA

FRANCISCO GOMEZ JURADO

For Egypt:

For El Salvador:

For Ethiopia:

For France:

For Greece:

For Guatemala:

For Haiti:

G. EDOUARD ROY

For Honduras:

E. P. LEFEBVRE

For Iceland:

For India:

For Iran:

For Iraq:

For Ireland:

For Lebanon:

Ad referendum concerning the fifth freedom enumerated in Art I Section 1.
C. CHAMOUN

For Liberia:

WALTER F. WALKER

For Luxembourg:

For Mexico:

PEDRO A. CHAPA

For the Netherlands:

In accordance with the provisions of art IV Section 1 of this agreement the Netherlands Delegation hereby accept only the first four privileges in art I section 1.⁹

M. STEENBERGHE

F. C. ARONSTEIN

For the Government of New Zealand:

For Nicaragua:

R. E. FRIZELL

For Norway:

For Panama:

For Paraguay:

For Peru:

A. REVOREDO

J. S. KOECHLIN

LUIS ALVARADO

F. ELGUERA

GILMO VAN OORDT LEÓN

For the Philippine Commonwealth:

For Poland:

⁹ This reservation was relinquished by the Netherlands on Sept. 21, 1945.

For Portugal:

For Spain:

For Sweden:
R. KUMLIN

For Switzerland:

For Syria:

For Turkey:

In accordance with the provisions of Art. IV section 1 of this agreement the Turkish delegation hereby accept only the first four privileges in Art. I sect. 1 and leave the acceptance of the fifth privilege to the discretion of their government.

S. KOCAK
F. SAHINBAS
ORHAN H. EROL

For the Union of South Africa:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

For the United States of America:

ADOLF A. BERLE JR
ALFRED L. BULWINKLE
CHAS. A. WOLVERTON
F. LA GUARDIA
EDWARD WARNER
L. WELCH POGUE
WILLIAM A. M. BURDEN

For Uruguay:

CARL CARBAJAL
COL. MEDARDO R. FARIAS

For Venezuela:

The Delegation of Venezuela signs *ad referendum* with the understanding that approval of this document for its Government is subject to the constitutional provisions of the United States of Venezuela [translation].

F J SUCRE
J BLANCO USTÁRIZ

For Yugoslavia:

For Denmark:

HENRIK KAUFFMANN

For Thailand:

M. R. SENI PRAMOJ

[The agreement was signed for Costa Rica on March 10, 1945; for Cuba on April 20, 1945; for El Salvador on May 9, 1945; for Ethiopia on March 22, 1945; for Guatemala on January 30, 1945; for Iceland on April 4, 1945; for Iran on August 13, 1946; for Paraguay on July 27, 1945; and for Syria on July 6, 1945.]

INTERNATIONAL CIVIL AVIATION

*Interim agreement opened for signature at Chicago December 7, 1944,
and signed for the United States December 7, 1944*

*Accepted by the United States, with an understanding, February 8,
1945*¹

Entered into force June 6, 1945

*Replaced April 4, 1947, by convention of December 7, 1944*²

59 Stat. 1516; Executive Agreement Series 469

INTERIM AGREEMENT ON INTERNATIONAL CIVIL AVIATION

The undersigned, on behalf of their respective governments, agree to the following:

ARTICLE I

The Provisional Organization

Section 1

The signatory States hereby establish a provisional international organization of a technical and advisory nature of sovereign States for the purpose of collaboration in the field of international civil aviation. The organization shall be known as the Provisional International Civil Aviation Organization.

Section 2

The Organization shall consist of an Interim Assembly and an Interim Council, and it shall have its seat in Canada.

Section 3

The Organization is established for an interim period which shall last until a new permanent convention on international civil aviation shall have come into force or another conference on international civil aviation shall have

¹ The United States accepted with the understanding that "the provisions of the second paragraph of Article V of the Interim Agreement on International Civil Aviation are, in respect to the United States of America, subject to the requirements of its constitutional processes."

² TIAS 1591, *post*, p. 944.

agreed upon other arrangements: provided, however, that the interim period shall in no event exceed three years from the coming into force of the present Agreement.

Section 4

The Organization shall enjoy in the territory of each member State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

ARTICLE II

The Interim Assembly

Section 1

The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon call of the Council or at the request of any ten member States of the Organization addressed to the Secretary General.

All member States shall have equal right to be represented at the meetings of the Assembly and each member State shall be entitled to one vote. Delegates representing member States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

A majority of the member States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided herein, voting of the Assembly shall be by a simple majority of the member States present.

Section 2

The powers and duties of the Assembly shall be to:

1. Elect at each meeting its President and other officers.
2. Elect the member States to be represented on the Council, as provided in Article III, Section 1.
3. Examine, and take appropriate action upon, the reports of the Council and decide upon any matter referred to it by the Council.
4. Determine its own rules of procedure and establish such subsidiary commissions and committees as may be necessary or advisable.
5. Approve an annual budget and determine the financial arrangements of the Organization.
6. At its discretion, refer to the Council any specific matter for its consideration and report.
7. Delegate to the Council all the powers and authority that may be considered necessary or advisable for the discharge of the duties of the Organization. Such delegations of authority may be revoked or modified at any time by the Assembly.

8. Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

ARTICLE III

The Interim Council

Section 1

The Council shall be composed of not more than 21 member States elected by the Assembly for a period of two years. In electing the members of the Council, the Assembly shall give adequate representation (1) to those member States of chief importance in air transport, (2) to those member States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation, and (3) to those member States not otherwise included whose election will insure that all major geographical areas of the world are represented. Any vacancy on the Council shall be filled by the Assembly at its next meeting. Any member State of the Council so elected shall hold office for the remainder of its predecessor's term of office.

Section 2

No representative of a member State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Section 3

The Council shall elect, and determine the emoluments of, a President, for a term not to exceed the interim period. The President shall have no vote. The Council shall also elect from among its members one or more Vice Presidents, who shall retain their right to vote when serving as Acting President. The President need not be selected from the members of the Council but if a member is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The President shall convene, and preside at, the meetings of the Council; he shall act as the Council's representative; and he shall carry out such functions on behalf of the Council as may be assigned to him.

Decisions by the Council will be deemed valid only when approved by a majority of all the members of the Council.

Section 4

Any member State not a member of the Council may participate in the deliberations of the Council whenever any decision is to be taken which especially concerns such member State. Such member State, however, shall not have the right to vote; provided that, in any case in which there is a dispute between one or more member States who are not members of the

Council and one or more member States who are members of the Council, any State within the second category which is a party to the dispute shall have no right to vote on that dispute.

Section 5

The powers and duties of the Council shall be to:

1. Carry out the directives of the Assembly.
2. Determine its own organization and rules of procedure.
3. Determine the method of appointment, emoluments, and conditions of service of the employees of the Organization.
4. Appoint a Secretary General.
5. Provide for the establishment of any subsidiary working groups which may be considered desirable, among which there shall be the following interim committees:
 - a. A Committee on Air Transport,
 - b. A Committee on Air Navigation, and
 - c. A Committee on International Convention on Civil Aviation.

If a member State so desires, it shall have the right to appoint a representative on any such interim committee or working group.

6. Prepare and submit to the Assembly budget estimates of the Organization, and statements of accounts of all receipts and expenditures and to authorize its own expenditures.
7. Enter into agreements with other international bodies when it deems advisable for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, enter into such other arrangements as may facilitate the work of the Organization.

Section 6

In addition to the powers and authority which the Assembly may delegate to it, the functions of the Council shall be to:

1. Maintain liaison with the member States of the Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.
2. Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party.
3. Supervise and coordinate the work of:
 - a. The Committee on Air Transport, whose functions shall be to:

(1) Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.

(2) Request, collect, analyze and report on information with respect to subsidies, tariffs, and costs of operation.

(3) Study any matters affecting the organization and operation of international air services, including the international ownership and operation of international trunk lines.

(4) Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.

b. The Committee on Air Navigation, whose functions shall be to:

(1) Study, interpret and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation.

(2) Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.

(3) Continue the preparation of technical documents, in accordance with the recommendations of the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

c. The Committee on International Convention on Civil Aviation, whose functions shall be to continue the study of an international convention on civil aviation.

4. Receive and consider the reports of the committees and working groups.

5. Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.

6. Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.

7. Submit an annual report to the Assembly.

8. When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties.

9. On direction of the Assembly, convene another conference on international civil aviation; or at such time as the Convention is ratified, convene the first Assembly under the Convention.

ARTICLE IV

The Secretary General

The Secretary General shall be the chief executive and administrative officer of the Organization. The Secretary General shall be responsible to the Council as a whole and, following established policies of the Council, shall have full power and authority to carry out the duties assigned to him by the Council. The Secretary General shall make periodic reports to the Council covering the progress of the Secretariat's activities. The Secretary General shall appoint the staff of the Secretariat. He shall likewise appoint the secretariat and staff necessary to the functioning of the Assembly, of the Council, and of Committees or such working groups as are mentioned in the present Agreement or may be constituted pursuant thereto.

ARTICLE V

Finances

Each member State shall bear the expenses of its own delegation to the Assembly and the salary, travel and other expenses of its own delegate on the Council and of its representatives on committees or subsidiary working groups.

The expenses of the organization shall be borne by the member States in proportions to be decided by the Assembly. Funds shall be advanced by each member State to cover the initial expenses of the Organization.³

The Assembly may suspend the voting power of any member State that fails to discharge, within a reasonable period, its financial obligations to the Organization.

ARTICLE VI

Special Duties

The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement ⁴ and by the International Air

³ For text of U.S. understanding regarding the second paragraph of art. V, see footnote 1, p. 929.

⁴ EAS 487 *ante*, p. 916.

Transport Agreement⁵ drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreements.

ARTICLE VII

Transfer of Functions, Records, and Property

The exercise of any functions which shall have been herein assigned to the Provisional Organization shall cease at any time that those particular functions have been completed or transferred to another international organization. At the time of the coming into force of the Convention on International Civil Aviation signed at Chicago, December 7, 1944, the records and property of the Provisional Organization shall be transferred to the International Civil Aviation Organization established under the above-mentioned Convention.

ARTICLE VIII

Flight Over Territory of Member States

Section 1

The members States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Section 2

For the purposes of this Agreement the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Section 3

This Agreement shall be applicable only to civil aircraft, and shall not be applicable to state aircraft. Aircraft used in military, customs and police services shall be deemed to be state aircraft.

Section 4

Except in a case where, under the terms of an agreement or of a special authorization, aircraft are permitted to cross the territory of a member State without landing, every aircraft which enters the territory of a member State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a member State, such aircraft shall depart from a

⁵ EAS 488, *ante*, p. 922.

similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the Provisional International Civil Aviation Organization for communication to all other member States.

Section 5

Subject to the provisions of this Agreement, the laws and regulations of a member State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all member States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Section 6

Each member State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever it may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each member State undertakes to insure the prosecution of all persons violating the regulations applicable.

Section 7

The laws and regulations of a member State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Section 8

The member States agree to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, and plague, and such other communicable diseases as the member States shall from time to time decide to designate, and to that end member States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the member States may be parties.

Section 9

Each member State may, subject to the provisions of this Agreement,

1. Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

2. Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services;

provided that, upon representation by an interested member State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 10

The appropriate authorities of each of the member States shall have the right, without unreasonable delay, to search aircraft of the other member States on landing or departure, and to inspect the certificates and other documents prescribed by this Agreement.

ARTICLE IX

Measures To Facilitate Air Navigation

Section 1

Each member State undertakes, so far as it may find practicable, to make available such radio facilities, such meteorological services, and such other air navigation facilities as may from time to time be required for the operation of safe and efficient scheduled international air services under the provisions of this Agreement.

Section 2

Each member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to the control of its own authorities, the owners or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

Section 3

In the event of an accident to an aircraft of a member State occurring in the territory of another member State, and involving death or serious injury, or indicating serious technical defect, in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

ARTICLE X

Conditions To Be Fulfilled With Respect to Aircraft

Section 1

Every aircraft of a member State, engaged in international navigation, shall carry the following documents:

- (a) Its certificate of registration.
- (b) Its certificate of airworthiness.
- (c) The appropriate licenses for each member of the crew.
- (d) Its journey log book.
- (e) If it is equipped with radio apparatus, the aircraft radio station license.
- (f) If it carries passengers, a list of their names and places of embarkation and destination.
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

Section 2

(a) Aircraft of each member State may, in or over the territory of other member States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the member State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Section 3

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Section 4

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each member State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another member State.

Section 5

Subject to the provisions of Section 4(b), certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the mem-

ber State in which the aircraft is registered, shall be recognized as valid by the other member State.

Section 6

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and each journey.

Section 7

Each member State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

ARTICLE XI

Airports and Air Navigation Facilities

Where a member State desires assistance in the provision of airports or air navigation facilities in its territory, the Council may make arrangements for the provision of such assistance so far as may be practicable in accordance with the provisions of Chapter XV of the Convention on International Civil Aviation signed at Chicago, December 7, 1944.

ARTICLE XII

Joint Operating Organizations and Arrangements

Section 1

Nothing in this Agreement shall prevent two or more member States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Agreement, including those relating to the registration of agreements with the Council.

Section 2

The Council may suggest to member States concerned that they form joint organizations to operate air services on any routes or in any regions.

Section 3

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be State-owned or partly State-owned or privately owned.

ARTICLE XIII

Undertakings of Member States

Section 1

Each member State undertakes to transmit to the Council copies of all existing and future contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party, as described in Article III, Section 6, Subsection 2.

Section 2

Each member State undertakes to require its international airlines to file with the Council, in accordance with requirements laid down by the Council, traffic reports, cost statistics, and financial statements as described in Article III, Section 6, Subsection 3, a (1) and (2), showing, among other things, all receipts and the sources thereof.

Section 3

The member States undertake, with respect to the matters set forth in Article III, Section 6, Subsection 3, b(1), to apply, as rapidly as possible, in their national civil aviation practices, the general recommendations of the International Civil Aviation Conference, convened in Chicago, November 1, 1944, and such recommendations as will be made through the continuing study of the Council.

ARTICLE XIV

Withdrawal

Any member State, a party to the present Agreement, may withdraw therefrom on six months' notice given by it to the Secretary General, who shall at once inform all the member States of the Organization of such notice of withdrawal.

ARTICLE XV

Definitions

For the purpose of this Agreement the expression :

(a) "Air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the airspace over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

ARTICLE XVI

Election of First Interim Council

The first Interim Council shall be composed of the States elected for that purpose by the International Civil Aviation Conference convened in Chicago on November 1, 1944, provided that no State thus elected shall become a member of the Council until it has accepted the present Agreement and unless such acceptance has taken place within six months after December 7, 1944. In no case shall the term of office of a State as a member of the first Interim Council begin before or go beyond the period of two years, starting from the coming into force of the present Agreement.

Each State so elected to the Interim Council shall take its seat in the Council upon acceptance by that State of this Agreement or upon the entry into force of this Agreement, whichever is the later date, and it shall hold its seat until the end of the two years following the coming into force of this Agreement: provided, that any State so elected to the Council which does not accept this Agreement within six months after the above-mentioned election shall not become a member of the Council and the seat shall remain vacant until the next meeting of the Assembly.

ARTICLE XVII

Signatures and Acceptances of Agreement

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to the present Interim Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State, a member of the United Nations and any State associated with them, as well as any State which remained neutral during the present world conflict, not a signatory to this Agreement, may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

The present Interim Agreement shall come into force when it has been accepted by twenty-six States. Thereafter it will become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government.

The Government of the United States shall inform all governments represented at the International Civil Aviation Conference referred to of the date on which the present Interim Agreement comes into force and shall likewise notify them of all acceptances of the Agreement.

In witness whereof, the undersigned, having been duly authorized sign this Agreement on behalf of their respective governments on the dates appearing opposite their signatures.⁶

Done at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

For Afghanistan:

A. HOSAYN AZIZ

For the Government of the Commonwealth of Australia:

Subject to confirmation by Australian Government

ARTHUR S. DRAKEFORD

For Belgium:

For Bolivia:

TCNL. AL. PACHEGO

For Brazil:

For Canada:

H. J. SYMINGTON

For Chile:

R. SAENZ

G. BISQUERT

R. MAGALLANES B.

For China:

CHANG KIA NGAU

For Colombia:

For Costa Rica:

For Cuba:

For Czechoslovakia:

For the Dominican Republic:

C. A. McLAUGHLIN

For Ecuador:

J. A. CORREA

For Egypt:

M. HASSAN

M. ROUSHDY

M. A. KHALIFA

For El Salvador:

For Ethiopia:

For France:

M. HYMAN

C. LEBEL

P. LOCUSSOL

BOURGES

For Greece:

D. NOTI BOTZARIZ

A. J. ARGYROPOULOS

For Guatemala:

For Haiti:

EDOUARD ROY

For Honduras:

E. P. LEFEBVRE

For Iceland:

THOR THORS

For India:

G. BEWLOOR

For Iran:

M. SHAYESTEHR

For Iraq:

ALI JAWDAT

For Ireland:

ROBT. BRENNAN

JOHN LEYDON

JOHN J. HEARNE

T. J. O'DRISCOLL

For Lebanon:

C. CHAMOUN

F. EL-HOSS

For Liberia:

WALTER F. WALKER

⁶ All signatures printed here were affixed on the opening day, Dec. 7, 1944; dates appear opposite signatures affixed thereafter.

For Luxembourg:

For Mexico:
PEDRO A. CHAPA

For the Netherlands:
M. STEENBERGHE
COPES
F. C. ARONSTEIN

For the Government of New Zealand:
DANIEL GILES SULLIVAN

For Nicaragua:
R. E. FRIZELL

For Norway:

For Panama:

For Paraguay:

For Peru:
A. REVOREDO
J. S. KOECHLIN
LUIS ALVARADO
F. ELGUERA
GUILLERMO VAN OORDT

For the Philippine Commonwealth:
J. HERNANDEZ
URBANO A. ZAFRA
J. H. FOLEY

For Poland:
ZBYSLAW CIOLKOSZ
DR. H. J. GORECKI
STEFAN J. KONORSKI
WITOLD A. URBANOWICZ
LUDWIK H. GOTTLIEB

For Portugal:
MÁRIO DE FIGUEIREDO
ALFREDO DELESQUE DOS SANTOS
CINTRA
DUARTE CALHEIROS
VASCO VIEIRA GARIN

For Spain:
E. TERRADAS
GERMÁN BARAIBAR

For Sweden:
R. KUMLIN

For Switzerland:
CHARLES BRUGGMANN

For Syria:
KAHALE

For Turkey:
S. KOCAK
F. SAHINBAS
ORHAN H. EROL

For the Union of South Africa:
D. D. FORSYTH

For the Government of the United Kingdom of Great Britain and Northern Ireland:
SWINTON

For the United States of America:
ADOLF A. BERLE JR.
ALFRED L. BULWINKLE
CHAS. A. WOLVERTON
F. LA GUARDIA
EDWARD WARNER
L. WELCH POGUE
WILLIAM A. M. BURDEN

For Uruguay:
CARL CARBAJAL
Col. MEDARDO R. FARÍAS

For Venezuela:
The Delegation of Venezuela signs *ad referendum* with the understanding that approval of this document for its Government is subject to the constitutional provisions of the United States of Venezuela [translation].

F. J. SUCRE
J. BLANCO USTÁRIZ

For Yugoslavia:

For Denmark:
HENRIK KAUFFMANN

For Thailand:
M. R. SENI PRAMOJ

[The agreement was signed for Belgium on April 9, 1945; for Brazil on May 29, 1945; for Colombia on May 24, 1945; for Costa Rica on March 10, 1945; for Cuba on April 20, 1945; for Czechoslovakia on April 18, 1945; for El Salvador on May 9, 1945; for Ethiopia on March 22, 1945; for Guatemala on January 30, 1945; for Luxembourg on July 9, 1945; for Norway on January 30, 1945; for Panama on May 14, 1945; for Paraguay on July 27, 1945; and for South Africa on June 4, 1945.]

INTERNATIONAL CIVIL AVIATION

Convention opened for signature at Chicago December 7, 1944, and signed for the United States December 7, 1944

Senate advice and consent to ratification July 25, 1946

Ratified by the President of the United States August 6, 1946

Ratification of the United States deposited at Washington August 9, 1946

Proclaimed by the President of the United States March 17, 1947

Entered into force April 4, 1947

Amended by protocols of May 27, 1947,¹ June 14, 1954 (frequency of Assembly sessions),² June 14, 1954 (permanent seat of Organization),³ and June 21, 1961,⁴ as between contracting parties to the protocols⁵

Protocol on authentic trilingual text of convention and procès-verbal of rectification of protocol done at Buenos Aires September 24, 1968⁶

61 Stat. 1180; Treaties and Other
International Acts Series 1591

CONVENTION ON INTERNATIONAL CIVIL AVIATION

PREAMBLE

WHEREAS the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

WHEREAS it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

THEREFORE, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this Convention to that end.

¹ S. Ex. GG, 80th Cong., 1st sess. The United States did not become a party.

² 8 UST 179; TIAS 3756.

³ 320 UNTS 209. The United States did not become a party.

⁴ 13 UST 2105; TIAS 5170.

⁵ An amendatory protocol of Sept. 15, 1962, with respect to which the United States deposited an instrument of ratification, had not entered into force as of July 1, 1969; for text, see S. Ex. D, 88th Cong., 1st sess.

⁶ 19 UST 7693; TIAS 6605 and TIAS 6681.

PART I. AIR NAVIGATION

CHAPTER I

General Principles and Application of the Convention

Article 1

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Article 2

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Article 3

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

Article 4

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

CHAPTER II

Flight Over Territory of Contracting States

Article 5

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

Article 6

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

Article 7

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Article 8

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

Article 9

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the

whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

Article 10

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

Article 11

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Article 12

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Article 13

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such

as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Article 14

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Article 15

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

Article 16

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

CHAPTER III

Nationality of Aircraft

Article 17

Aircraft have the nationality of the State in which they are registered.

Article 18

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

Article 19

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

Article 20

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Article 21

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

CHAPTER IV

Measures To Facilitate Air Navigation

Article 22

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially

in the administration of the laws relating to immigration, quarantine, customs and clearance.

Article 23

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

Article 24

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

Article 25

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

Article 26

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit,

with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

Article 27

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

Article 28

Each contracting State undertakes, so far as it may find practicable, to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

CHAPTER V

Conditions To Be Fulfilled With Respect to Aircraft

Article 29

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log book;
- (e) If it is equipped with radio apparatus, the aircraft radio station license;
- (f) If it carries passengers, a list of their names and places of embarkation and destination;
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

Article 30

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Article 31

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Article 32

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each contracting State reserves the right to refuse to recognize, for

the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Article 33

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Article 34

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Article 35

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Article 36

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

CHAPTER VI

International Standards and Recommended Practices

Article 37

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and

organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

(a) Communications systems and air navigation aids, including ground marking;

(b) Characteristics of airports and landing areas;

(c) Rules of the air and air traffic control practices;

(d) Licensing of operating and mechanical personnel;

(e) Airworthiness of aircraft;

(f) Registration and identification of aircraft;

(g) Collection and exchange of meteorological information;

(h) Log books;

(i) Aeronautical maps and charts;

(j) Customs and immigration procedures;

(k) Aircraft in distress and investigation of accidents;

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

Article 38

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Article 39

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have

endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

Article 40

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Article 41

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Article 42

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

PART II. THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

CHAPTER VII

The Organization

Article 43

An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

Article 44

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

Article 45

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944.⁷ The seat may be temporarily transferred elsewhere by decision of the Council.

Article 46

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

Article 47

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

CHAPTER VIII

The Assembly

*Article 48*⁸

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may

⁷ EAS 469, *ante*, p. 929.

⁸ For a protocol amending arts. 48 and 49, see 8 UST 179; TIAS 3756. For a protocol amending art. 50, see 13 UST 2105; TIAS 5170.

be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

Article 49^s

The powers and duties of the Assembly shall be to:

- (a) Elect at each meeting its President and other officers;
- (b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;
- (c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;
- (d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;
- (e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;
- (f) Review expenditures and approve the accounts of the Organization;
- (g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;
- (h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;
- (i) Carry out the appropriate provisions of Chapter XIII;
- (j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;
- (k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

CHAPTER IX

The Council

Article 50^s

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Article 51

The Council shall elect its President for a term of three years. He may be reelected. He shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

(a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;

(b) Serve as representative of the Council; and

(c) Carry out on behalf of the Council the functions which the Council assigns to him.

Article 52

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Article 53

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

Article 54

The Council shall:

(a) Submit annual reports to the Assembly;

(b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;

- (c) Determine its organization and rules of procedure;
- (d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;
- (e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;
- (f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;
- (g) Determine the emoluments of the President of the Council;
- (h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;
- (i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;
- (j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;
- (k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;
- (l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;
- (m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;
- (n) Consider any matter relating to the Convention which any contracting State refers to it.

Article 55

The Council may:

- (a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;
- (b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;
- (c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its re-

search to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;

(d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;

(e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

CHAPTER X

The Air Navigation Commission

Article 56

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

Article 57

The Air Navigation Commission shall:

(a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;

(b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;

(c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

CHAPTER XI

Personnel

Article 58

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Article 59

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

Article 60

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

CHAPTER XII

Finance

*Article 61*⁹

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Article 62

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

Article 63

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

⁹ For a protocol amending art. 61, see 8 UST 179; TIAS 3756.

CHAPTER XIII

Other International Arrangements

Article 64

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

Article 65

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

Article 66

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement¹⁰ and by the International Air Transport Agreement¹¹ drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III. INTERNATIONAL AIR TRANSPORT

CHAPTER XIV

Information and Reports

Article 67

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

CHAPTER XV

Airports and Other Air Navigation Facilities

Article 68

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

¹⁰ EAS 487, *ante*, p. 916.

¹¹ EAS 488, *ante*, p. 922.

Article 69

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Article 70

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

Article 71

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Article 72

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Article 73

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

Article 74

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement

may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities and of interest and amortization charges.

Article 75

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Article 76

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

CHAPTER XVI

Joint Operating Organizations and Pooled Services

Article 77

Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Article 78

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Article 79

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole

discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV. FINAL PROVISIONS

CHAPTER XVII

Other Aeronautical Agreements and Arrangements

Article 80

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919¹² or the Convention on Commercial Aviation signed at Habana on February 20, 1928,¹³ if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

Article 81

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

Article 82

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

Article 83

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

¹² S. Ex. O., 69th Cong., 1st sess. The United States did not become a party.

¹³ TS 840, *ante*, vol. 2, p. 698.

CHAPTER XVIII

Disputes and Default

Article 84

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

Article 85

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

Article 86

Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

Article 87

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its territory if the Council

has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

Article 88

The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

CHAPTER XIX

WAR

Article 89

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

CHAPTER XX

Annexes

Article 90

(a) The adoption by the Council of the Annexes described in Article 54, subparagraph (1), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

CHAPTER XXI

Ratifications, Adherences, Amendments, and Denunciations

Article 91

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each

State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

Article 92

(a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

Article 93

States other than those provided for in Articles 91 and 92(a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

Article 94

(a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

Article 95

(a) Any contracting State may give notice of denunciation of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

CHAPTER XXII

Definitions

Article 96

For the purpose of this Convention the expression:

(a) "Air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the air space over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

(d) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Signature of Convention

In witness whereof, the undersigned plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures.¹⁴

Done at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be open for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.

For Afghanistan:

A. HOSAYN AZIZ

For China:

CHANG KIA-NGAU

For the Government of the Commonwealth of Australia:

ARTHUR S. DRAKEFORD

For Colombia:

For Costa Rica:

For Belgium:

For Cuba:

For Bolivia:

TCNL. AL. PACHECO

For Czechoslovakia:

For the Dominican Republic:

C. A. McLAUGHLIN

For Brazil:

For Ecuador:

For Canada:

H. J. SYMINGTON

J. A. CORREA

FRANCISCO GOMEZ JURADO

For Chile:

R. SAÉNZ

For Egypt:

M. HASSAN

G. BISQUERT

M. ROUSHIDY

R. MAGALLANES B.

M. A. KHALIFA

¹⁴ All signatures printed here were affixed on the opening day, Dec. 7, 1944; dates appear opposite signatures affixed thereafter.

For El Salvador:

For Ethiopia:

For France:

M. HYMANS
C. LEBEL
BOURGES
P. LOCUSSOL

For Greece:

D. T. NOTI BOTZARIZ
A. J. ARGYROPOULOS

For Guatemala:

For Haiti:

G. EDOUARD ROY

For Honduras:

E. P. LEFEBVRE

For Iceland:

THOR THORS

For India:

G. V. BEWOOR

For Iran:

M. SHAYESTEH

For Iraq:

ALI JAWDAT

For Ireland:

ROBT. BRENNAN
JOHN LEYDON
JOHN J. HEARNE
T. J. O'DRISCOLL

For Lebanon:

C. CHAMOUN
F. EL-HOSS

For Liberia:

WALTER F. WALKER

For Luxembourg:

For Mexico:

PEDRO A. CHAPA

For the Netherlands:

COPES
F. C. ARONSTEIN

For the Government of New Zealand:

DANIEL GILES SULLIVAN

For Nicaragua:

R. E. FRIZELL

For Norway:

For Panama:

The Delegation of the Republic of Panama signs this Convention *ad referendum*, and subject to the following reservations:

1. Because of its strategic position and responsibility in the protection of the means of communication in its territory, which are of the utmost importance to world trade, and vital to the defense of the Western Hemisphere, the Republic of Panama reserves the right to take, with respect to all flights through the air space above its territory, all measures which in its judgment may be proper for its own security or the protection of said means of communication.

2. The Republic of Panama understands that the technical annexes to which reference is made in the Convention constitute recommendations only, and not binding obligations.

For Paraguay:

For Peru:

A. REVOREDO
J. S. KOECHLIN
LUIS ALVARADO
F. ELGUERA
GILMO VAN OORDT LEÓN

For the Philippine Commonwealth:

J. HERNANDEZ
URBANO A. ZAFRA
J. H. FOLEY

For Poland:

ZBYSŁAW CIOLKOSZ
DR. H. J. GORECKI
STEFAN J. KONORSKI
WITOLD A. URBANOWICZ
LUDWIK H. GOTTLIEB

For Portugal:

MÁRIO DE FIGUEIREDO
ALFREDO DELESQUE DOS SANTOS
CINTRA
DUARTE CALHEIROS
VASCO VIEIRA GARIN

For Spain:

E. TERRADAS
GERMÁN BARAIBAR

For Sweden:

R. KUMLIN

For Switzerland:

For Syria:

N. KAHALÉ

For Turkey:

S. KOCAK

F. SAHINBAS

ORHAN H. EROL

For the Union of South Africa:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

SWINTON

For the United States of America:

ADOLF A. BERLE JR.

ALFRED L. BULWINKLE

CHAS. A. WOLVERTON

F. LA GUARDIA

EDWARD WARNER

L. WELCH POGUE

WILLIAM A. M. BURDEN

For Uruguay:

CARL CARBAJAL

COL. MEDARDO R. FARIAS

For Venezuela:

For Yugoslavia:

For Denmark:

HENRIK KAUFFMANN

For Thailand:

M. R. SENI PRAMOJ

[The convention was signed for Belgium on April 9, 1945; for Brazil on May 29, 1945; for Colombia on October 31, 1947; for Costa Rica on March 10, 1945; for Cuba on April 20, 1945; for Czechoslovakia on April 18, 1945; for El Salvador on May 9, 1945; for Ethiopia on February 10, 1947; for Guatemala on January 30, 1945; for Luxembourg on July 9, 1945; for Norway on January 30, 1945; for Paraguay on July 27, 1945; for South Africa on June 4, 1945; for Switzerland on July 6, 1945; and for Yugoslavia on January 6, 1954.]

SANITARY MARITIME NAVIGATION

*Convention (modifying convention of June 21, 1926) opened for signature at Washington December 15, 1944, and signed for the United States January 5, 1945*¹

Senate advice and consent to ratification May 21, 1945

Ratified by the President of the United States May 29, 1945

Ratification of the United States deposited at Washington May 29, 1945

Entered into force January 15, 1945; for the United States May 29, 1945

Proclaimed by the President of the United States May 29, 1945

*Prolonged by protocol of April 23, 1946*²

*Replaced by World Health Organization Regulations No. 2 of May 25, 1951,³ as between states bound by the regulations*⁴

59 Stat. 955; Treaty Series 991

INTERNATIONAL SANITARY CONVENTION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926

The Governments signatory hereto,

Considering that the International Office of Public Health created by the Agreement signed at Rome on December 9, 1907,⁵ is unable for the time being to carry out effectively all of the duties and functions assigned to it in the Annex to that Agreement; in the International Sanitary Convention, 1926;⁶ in the International Sanitary Convention for Aerial Navigation, 1933;⁷ and in other Conventions or Agreements relating to the public health;

Having entrusted the task of solving this temporary problem by the preparation of emergency agreements and arrangements for the notification of epidemic diseases and for uniformity in quarantine regulations to the United Nations Relief and Rehabilitation Administration (hereinafter referred to as

¹ For forms attached to the convention, see 59 Stat. 973 or p. 22 of TS 991.

² TIAS 1551, *post*, vol. 4.

³ 7 UST 2255; TIAS 3625.

⁴ The regulations entered into force for all parties to the convention except Australia, which rejected them; accordingly, the convention remained in force in relations between Australia and all parties to the convention, including the United States.

⁵ TS 511, *ante*, vol. 1, p. 742.

⁶ TS 762, *ante*, vol. 2, p. 545.

⁷ TS 901, *ante*, p. 89.

UNRRA), in accordance with Resolution No. 8 (2) adopted by the Council of UNRRA at its First Session, without prejudice however to the status of the International Office of Public Health which it is hoped will be able at the expiry of the present Convention to resume the above-mentioned duties and functions; and having received the recommendations of UNRRA in this connection;

Having agreed that, in regard to the American Republics, the Pan American Sanitary Bureau shall continue to act as the general coordinating sanitary agency, including the general collection and distribution of sanitary information to and from the said Republics, as specified in the Pan American Sanitary Code and recognized heretofore by the International Office of Public Health;

Desiring also to modify as between themselves the provisions of the International Sanitary Convention signed in Paris on June 21, 1926, as modified by the Sanitary Convention signed in Paris in 1938,⁸ insofar as the provisions of the Convention of 1938 may be in force between the respective Governments (hereinafter referred to as *the 1926 Convention*), in the light of the present-day conditions which call for special measures to prevent the spread by land and sea across frontiers of epidemic or other communicable diseases;

Have decided to conclude a Convention for these purposes, have agreed that, whereas the authentic text of the 1926 Convention is in the French language, the present Convention shall be in English and in French, both texts being equally authentic, and have accordingly appointed the undersigned plenipotentiaries who, having communicated their full powers, found in good and due form, have agreed that the 1926 Convention shall be amended as follows:

ARTICLE I

All references in the 1926 Convention to the International Office of Public Health shall be read as references to UNRRA.

ARTICLE II

The second paragraph of Preliminary Provisions (2) shall be deleted and the following substituted:

The word *surveillance* means that persons are not isolated, that they may move about freely, but that the sanitary authorities of the place or places to which they are proceeding are notified of their coming. They may be subjected in the places of arrival to a medical examination and such inquiries as are necessary with a view to ascertaining their state of health; and, in any territory where the competent Contracting Party thinks fit, surveillance may include requirement to report on arrival and afterwards at such intervals dur-

⁸ 198 LNTS 205.

ing continuance of surveillance as may be specified, to the Health Officer of the city, town, district, or place to which they proceed.

ARTICLE III

The following definitions shall be added to the *Preliminary Provisions*:

(5) The term *typhus*, *typhus fever*, or *exanthematous typhus* in the 1926 Convention and in the present Convention shall be deemed to relate only to epidemic louse-borne typhus.

(6) The term *Stegomyia*, *Stegomyia (Aedes aegypti)*, or *Stegomyia calopus (Aedes aegypti)* shall be deemed to include *Aedes aegypti* and any potential mosquito vectors of yellow fever.

ARTICLE IV

To Article 1 the following shall be added:

Every Contracting Party shall, in addition to the diseases specifically mentioned in this Article, to wit, plague, cholera, yellow fever, typhus, and smallpox, notify to UNRRA outbreaks of such other communicable diseases as, in the opinion of that Party or in the opinion of UNRRA, constitute a menace to other countries by their spread or potential spread across frontiers, and shall keep UNRRA regularly informed of the course of the disease and the measures taken to prevent its spread. The provisions of the 1926 Convention as amended or supplemented by the present Convention shall, unless clearly inapplicable, apply to the above-mentioned other communicable diseases.

ARTICLE V

In Article 3 the word "Paris" in the second paragraph shall be deleted and the words "London or Washington" shall be substituted.

To Article 3 the following shall be added:

In order to facilitate the prompt and scrupulous fulfilment of the foregoing provisions, the Contracting Parties shall ensure priority for all communications which may enable UNRRA rapidly to appraise the situation concerning the outbreak of a disease and to inform governments in order that they may take appropriate measures against the spread of the disease across their frontiers.

ARTICLE VI

After Article 5 the following shall be inserted:

Article 5A. In addition to carrying out the system of notification and intelligence prescribed in Part I, Chapter I of the 1926 Convention, which remains in full force, the Parties to the present Convention shall transmit promptly to UNRRA the notifications and other information prescribed in Part I of the 1926 Convention.

Article 5B(1). In addition to the formal notification required above, the Contracting Parties shall, so far as possible, send to the Health Organization of UNRRA at regular intervals notifications of communicable diseases notified in their countries.

(2). The Contracting Parties shall make the necessary arrangements with UNRRA for giving prompt information to all the governments concerned of the outbreak in their respective countries of a disease which, in the opinion of UNRRA, constitutes a menace to other countries and of the measures which are being taken to prevent the spread of the disease across frontiers.

ARTICLE VII

To Article 13 the following shall be added:

In a country where there exists a communicable disease, the subject of a formal notification under any international sanitary or quarantine convention for the time being in force, the Sanitary Authority in that country may prohibit the embarkation on board a ship on international voyage of persons suffering from the disease, and of persons in such relations to the sick as to render them liable to transmit the disease, unless the Medical Officer of the port of embarkation is satisfied that measures can be taken on board the ship to prevent the spread of the disease to the other persons on board. The Medical Officer of the port of embarkation, or other authorized officer of the sanitary authority, if he has reason to suspect any clothing, bedding, or other article of personal use which belongs to or is intended for use by persons embarking to be infected, may examine and require the disinfection of any such clothing, bedding, or other article of personal use before it is taken on board.

The measures enumerated in this Article shall be taken as far in advance of the sailing date of the ship as possible in order not unduly to delay the ship's departure.

Nothing in this Article shall affect the power of the Master of the ship to refuse to embark sick persons.

ARTICLE VIII

In Article 15 the following shall be inserted between the third and fourth paragraphs:

If on the call or arrival of any ship at a port there is on board a case of infectious disease duly verified by the port medical officer, not being a case of plague, cholera, yellow fever, typhus, or smallpox, the usual measures in force in the country in which the port is situated shall be applied subject always to the provisions of Article 54 of the 1926 Convention.

In carrying out measures for control of the spread of communicable disease across frontiers, particularly in regard to the movement of displaced populations conveyed by international maritime transport, the Contracting

Parties will not delay any ship at any point of her voyage longer than is necessary for the medical examination of crew and passengers, for the disembarkation (if such is considered necessary) of persons suffering from communicable disease, and of their bedding and personal effects, and for the disinfection of the accommodation they occupied. The ship shall not be employed as a means of isolation of the sick, or of their contacts, unless such isolation can be effected without delaying or unduly interfering with her movements.

ARTICLE IX

The footnote to Article 25 shall be deleted and the following substituted :

In all cases where this Convention provides for surveillance, surveillance may not be replaced by observation except

(a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or

(b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or

(c) if the person who would be subject to surveillance cannot furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary.

ARTICLE X

In Articles 35(a), 36(4), and 47 the words "200 meters" shall be deleted and the words "400 meters" shall be substituted.

ARTICLE XI

To Article 40 the following shall be added :

With a view to the elimination of *Stegomyia (Aedes aegypti)* as an important step in the control of the spread of yellow fever, the Contracting Parties shall, in the light of their knowledge and experience of the control of the yellow fever vector, render and maintain free from *Stegomyia (Aedes aegypti)* (a) ports and their surroundings in endemic areas, and (b) ports not situated in endemic areas but exposed to the risk of the introduction of the disease. They shall also use their best endeavors to secure that personnel employed in the handling of ships in ports in endemic areas and in ports specially exposed to risk shall be inoculated against yellow fever.

The Contracting Parties agree that all persons inoculated in compliance with the provisions of the preceding paragraph of this Article shall be furnished with and carry an inoculation certificate signed by the officer carrying out the inoculation. This certificate shall conform to the International Form of Certificate of Inoculation against yellow fever annexed hereto.⁹

⁹ For forms attached to the convention, see 59 Stat. 973 or p. 22 of TS 991.

Persons in possession of a valid anti-yellow fever inoculation certificate shall not for the purpose of the control of yellow fever be subjected to quarantine restrictions.

In place of a valid anti-yellow fever inoculation certificate, a certificate that the bearer has recovered from an attack of yellow fever and that his blood contains immune bodies against yellow fever, as proved by a test carried out by an institute regularly carrying out biological tests for yellow fever and approved for this purpose by the government of the country concerned, will be accepted.

ARTICLE XII

In Article 41 (4) and (5), before the word "disinfected" the words "disinfected and" shall be inserted.

To Article 41 the following shall be added:

The Contracting Parties will use their best endeavors to secure that ships trading with areas infected with typhus shall carry a sufficient quantity of an effective insecticide for the personal protection of the crew and passengers, and will give favorable consideration to the inoculation against typhus of all persons on board exposed to risk.

ARTICLE XIII

Article 42 (3) shall be deleted and the following substituted:

(3) Other persons reasonably suspected to have been exposed to infection on board, and who, in the opinion of the sanitary authority, are not sufficiently protected by recent vaccination, or by a previous attack of small-pox, may be subjected to vaccination or to observation or to surveillance, or to vaccination followed by observation or surveillance, the period of observation or surveillance being specified according to the circumstances, but in any event not exceeding 14 days, reckoned from the date of arrival of the ship.

In Article 42 the following shall be inserted as the penultimate paragraph:

For the purpose of this Article "recent vaccination" shall be taken as meaning evidence of successful vaccination not more than 3 years or less than 14 days previously, or evidence of an immune reaction.

To Article 42 shall be added "Vaccination of such persons may be performed".

ARTICLE XIV

In Article 43 after the word "crew" in the first paragraph shall be added the words "and passengers".

ARTICLE XV

Article 49 shall be deleted and the following substituted:

The Contracting Parties agree that bills of health and consular visas shall be abolished as soon as the conditions of hostilities permit the establishment of

effective epidemiological communications. The Master of every foreign-going vessel approaching the first port in a territory shall ascertain the state of health of all persons on board and shall prepare and sign a Declaration of Health which shall be countersigned by the ship's surgeon, if one is carried, to be handed to the appropriate authority.

ARTICLE XVI

To Article 57 the following shall be added:

The Contracting Parties will, so far as possible, adopt the International Form of Declaration of Health and the International Forms of Certificates of Inoculation or Vaccination against cholera, typhus, and smallpox, respectively, annexed hereto.¹⁰

For the purposes of the present Convention the period of incubation is reckoned as 6 days in the case of plague, 5 days in the case of cholera, 6 days in the case of yellow fever, 12 days in the case of typhus, and 14 days in the case of smallpox.

ARTICLE XVII

Article 58 shall be deleted and the following substituted:

Observation may, if considered necessary, be enforced at land frontiers. Persons may be directed to the places which have been designated for frontier traffic, and sanitary stations, equipped in accordance with the terms of Article 22 of the 1926 Convention, shall be set up at such places. These places and the measures taken shall be notified immediately to the countries concerned and to UNRRA. Individuals who have been in contact with a person suffering from a disease referred to in Article 1 of the 1926 Convention, and their bedding and effects, may be subjected to the appropriate sanitary measures. In the case of persons suffering from a communicable disease not referred to in Article 1, the measures in force in the country of arrival shall be applied.

ARTICLE XVIII

Article 63 shall be deleted and the following substituted:

Railway carriages for mails or luggage and goods trains may not be detained at the frontier longer than is necessary to apply the necessary sanitary measures for the prevention of the entry of communicable diseases into the country concerned.

ARTICLE XIX

To Article 65 the following shall be added:

In framing regulations under this Article, the Contracting Parties will consult UNRRA and will inform UNRRA of the regulations and of the date of their entry into force.

¹⁰ With regard to yellow fever see Article XI. [Footnote in original.]

ARTICLE XX

To Article 66 the following shall be added :

In the application of Articles 58 to 66 inclusive of the 1926 Convention, as amended by the present Convention, to any persons coming within the category of "displaced persons", the Contracting Parties shall be entitled to make such modifications as may be required by any special international arrangements under schemes to be organized by governments and by UNRRA for dealing with such persons.

And the Contracting Parties have further agreed as follows :

ARTICLE XXI

The present Convention shall come into force as soon as it has been signed or acceded to on behalf of ten or more governments.

ARTICLE XXII

The present Convention shall supplement and be read as one with the 1926 Convention, which as hereby amended remains in full force between the Contracting Parties, and whenever any provision of the 1926 Convention contains a reference to another provision, the reference shall be deemed to be a reference to that provision as modified by any amendments effected thereto by the present Convention.

ARTICLE XXIII

After January 15, 1945 the present Convention shall be open to accession by any government not a signatory. Accessions shall be notified in writing to the Government of the United States of America.

Accessions notified after the entry into force of the present Convention shall become effective with respect to each government upon the notification of its accession.

ARTICLE XXIV

Any Contracting Party may on signature or accession declare that the present Convention does not apply to all or any of its colonies, overseas territories, territories under its protection, suzerainty, or authority, or territories in respect of which it exercises a mandate. The present Convention may at any time thereafter be applied to any such territory by notification in writing to the Government of the United States of America, and the Convention shall apply to the territory concerned from the date of the receipt of the notification by the Government of the United States of America.

ARTICLE XXV

The Government of the United States of America shall give notice in writing to governments parties to the 1926 Convention and to governments par-

ties to the present Convention, of all signatures and accessions to the present Convention and of all notifications regarding the territories to which the present Convention is to be applied.

ARTICLE XXVI

The present Convention shall remain in force as to each Contracting Party until either

(1) such Party shall become bound by a further convention amending or superseding the 1926 Convention, or

(2) the expiration of eighteen months from the date on which the present Convention enters into force,

whichever shall be the earlier.

ARTICLE XXVII

The original of the present Convention shall be deposited in the archives of the Government of the United States of America and shall be opened for signature at Washington on December 15, 1944, where it shall remain open for signature until January 15, 1945. Certified copies hereof shall be furnished by the Government of the United States of America to each of the governments on behalf of which this Convention is signed or acceded to and to each of the governments parties to the 1926 Convention.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having deposited their full powers, found to be in due and proper form, sign the present Convention in the English and French languages, both texts being equally authentic, on behalf of their respective governments, on the dates appearing opposite their signatures.

For the French Republic:

ANDRÉ MAYER

January 5, 1945

For Poland:

JAN CIECHANOWSKI

January 5, 1945

For the United Kingdom of Great Britain and Northern Ireland:

At the time of signing the present Convention I declare that my signature does not cover any of the territories referred to in Article Twenty-Four of the International Sanitary Convention, 1944.¹¹

HALIFAX

January 5, 1945

For the United States of America:

Subject to ratification.

E. R. STETTINIUS, Jr.

January 5, 1945

For China:

J. HENG LIU

January 11, 1945

For the Union of South Africa:

S. F. N. GIE

January 13, 1945

¹¹ The convention was subsequently made applicable to British territories, dependencies, and protectorates, as specified in notifications given by the British Government.

For Egypt:

With the following reservations:

1. That this signature does not affect in any way the relations of the Egyptian Government with the International Office of Public Health, Paris, or its obligations toward the Regional Office at Alexandria;

2. That this convention is subject to ratification by the Egyptian Parliament.

M. HASSAN

January 15, 1945

For Czechoslovakia:

Subject to ratification.

V. S. HURBAN

January 15, 1945

For Canada:

Subject to ratification.

L. B. PEARSON

January 15, 1945

For Cuba:

This Convention, subject to approval by the Senate of the Republic, will be ratified by the Executive [translation].

GMO. BELT

January 15, 1945

For the Dominican Republic:

With the reservation that the Dominican Republic will not be able to ratify this Convention without adhering, at the same time, to the Paris and Hague Conventions, and that by virtue of Constitutional principles of the Republic, these processes shall be subject to the prior approval of the National Congress [translation].

EMILIO G. GODOY

January 15, 1945

For Nicaragua:

GUILLERMO SEVILLA SACASA

January 15, 1945

For Peru:

With the following reservations:

1. That this Convention is signed *ad referendum*;

2. That if the execution of the said Convention would not conform with the regulations contained in the Pan American Sanitary Code of Havana, Perú will give preference to the latter.

P. G. BELTRÁN

January 15, 1945

For Luxembourg:

HUGUES LE GALLAIS

January 15, 1945

For Ecuador:

S. E. DURAN BALEN

January 15, 1945

For Greece:

C. P. DIAMANTOPOULOS

January 15, 1945

For Honduras:

JULIÁN R. CÁCERES

January 15, 1945

For Haiti:

J. THÉBAUD

January 15, 1945

[For forms attached to the convention, see 59 Stat. 973 or p. 23 of TS 991.]

SANITARY AERIAL NAVIGATION

*Convention (modifying convention of April 12, 1933) opened for signature at Washington December 15, 1944, and signed for the United States January 5, 1945*¹

Senate advice and consent to ratification May 21, 1945

Ratified by the President of the United States May 29, 1945

Ratification of the United States deposited at Washington May 29, 1945

Entered into force January 15, 1945; for the United States May 29, 1945

Proclaimed by the President of the United States May 29, 1945

*Prolonged by protocol of April 23, 1946*²

*Replaced by World Health Organization Regulations No. 2 of May 25, 1951,³ as between states bound by the regulations*⁴

59 Stat. 991; Treaty Series 992

INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION OF APRIL 12, 1933

The Governments signatory hereto,

Considering that the International Office of Public Health created by the Agreement signed at Rome on December 9, 1907,⁵ is unable for the time being to carry out effectively all of the duties and functions assigned to it in the Annex to that Agreement; in the International Sanitary Convention, 1926;⁶ in the International Sanitary Convention for Aerial Navigation, 1933;⁷ and in other Conventions or Agreements relating to the public health;

Having entrusted the task of solving this temporary problem by the preparation of emergency agreements and arrangements for the notification of epidemic diseases and for uniformity in quarantine regulations to the United

¹ For forms annexed to the convention, see 59 Stat. 1013 or p. 28 of TS 992.

² TIAS 1552, *post*, vol. 4.

³ 7 UST 2255; TIAS 3625.

⁴ The regulations entered into force for all parties to the convention except Australia, which rejected them; accordingly, the convention remained in force in relations between Australia and all parties to the convention, including the United States.

⁵ TS 511, *ante*, vol. 1, p. 742.

⁶ TS 762, *ante*, vol. 2, p. 545.

⁷ TS 901, *ante*, p. 89.

Nations Relief and Rehabilitation Administration (hereinafter referred to as *UNRRA*), in accordance with Resolution No. 8 (2) adopted by the Council of UNRRA at its First Session, without prejudice however to the status of the International Office of Public Health which it is hoped will be able at the expiry of the present Convention to resume the above-mentioned duties and functions; and having received the recommendations of UNRRA in this connection;

Having agreed that, in regard to the American Republics, the Pan American Sanitary Bureau shall continue to act as the general coordinating sanitary agency, including the general collection and distribution of sanitary information to and from the said Republics, as specified in the Pan American Sanitary Code and recognized heretofore by the International Office of Public Health;

Desiring also to modify as between themselves the provisions of the International Sanitary Convention for Aerial Navigation signed at The Hague on April 12, 1933 (hereinafter referred to as *the 1933 Convention*) in the light of the present-day conditions which call for special measures to prevent the spread by air across frontiers of epidemic or other communicable diseases;

Have decided to conclude a Convention for these purposes, have agreed that, whereas the authentic text of the 1933 Convention is in the French language, the present Convention shall be in English and in French, both texts being equally authentic, and have accordingly appointed the undersigned plenipotentiaries who, having communicated their full powers, found in good and due form, have agreed that the 1933 Convention shall be amended as follows:

ARTICLE I

All references in the 1933 Convention to the International Office of Public Health shall be read as references to UNRRA.

ARTICLE II

The second paragraph of Article I, subparagraph VI, shall be deleted and the following substituted:

The word *surveillance* means that persons are not isolated, that they may move about freely, but that the sanitary authorities of the place or places to which they are proceeding are notified of their coming. They may be subjected in the places of arrival to a medical examination and such inquiries as are necessary with a view to ascertaining their state of health; and, in any territory where the competent Contracting Party thinks fit, surveillance may include requirement to report on arrival and afterwards at such intervals during continuance of surveillance as may be specified, to the Health Officer of the city, town, district, or place to which they proceed.

ARTICLE III

To Article 1 the following definitions shall be added:

VIII. The term *typhus*, *typhus fever*, or *exanthematous typhus* shall be deemed to relate only to epidemic louse-borne typhus.

IX. An *endemic yellow fever area* is a region in which yellow fever exists in a form recognizable clinically, biologically, or pathologically.

X. A *valid anti-yellow fever inoculation certificate* is one certifying that the bearer has been inoculated against yellow fever, with a vaccine and by a method approved by UNRRA, if there have elapsed:

(1) More than 10 days and less than 4 years from the date of the inoculation.

(2) Less than 4 years from the date of a re-inoculation performed within 4 years of the previous inoculation.

(3) More than 10 days and less than 4 years from the date of re-inoculation performed after an interval of more than 4 years.

XI. The term *Stegomyia (Aedes aegypti)* shall be deemed to include *Aedes aegypti* and any potential mosquito vectors of yellow fever.

ARTICLE IV

Article 9 shall be deleted and the following substituted:

(1) All passengers traveling by aircraft on international flight shall, on or just before arrival at the point of final disembarkation, or, if required, at any aerodrome where the journey is broken, complete a Personal Declaration of Origin and Health.⁸

(2) The Commander of an aircraft on international flight shall, on or just before the arrival of the aircraft at the first authorized aerodrome in the country of entry, complete an Aircraft Declaration of Health to be handed to the aerodrome authority on arrival, and may be required to produce certificates concerning sanitary measures which such Declaration states were undergone by the aircraft before departure or at stopping places in application of the 1933 Convention as hereby amended.

(3) Aircraft shall not be required to carry Bills of Health.

(4) The Contracting Parties will, so far as possible, adopt the International Forms of Aircraft Declaration of Health, Personal Declaration of Origin and Health, and Certificates of Inoculation or Vaccination against cholera, typhus, and smallpox, respectively, annexed hereto.⁹

ARTICLE V

To Article 13 the following shall be added:

Further, the embarkation of persons who do not present adequate sanitary guarantees may be prohibited, until the sanitary measures—delousing, dis-

⁸ For forms attached to convention, see 59 Stat. 1013 or p. 28 of TS 992.

⁹ With regard to yellow fever see Article XI (6). [Footnote in original.]

infection of clothing, etc., or any other measures that are, in the opinion of the sanitary authority, necessary to prevent the carriage of the disease by aircraft, have been carried out.

ARTICLE VI

To Article 16 after "sanitary measures" at the end of the first paragraph the words "including cleansing" shall be added.

ARTICLE VII

Article 20 shall be deleted and the following substituted:

(1) Each Contracting Party shall immediately notify, by the most rapid means, the other Contracting Parties and UNRRA of:

(a) The first recognized case of plague, cholera, or yellow fever discovered in its territory.

(b) The first recognized case of plague, cholera, or yellow fever which occurs outside the limits of local areas already affected.

(c) The existence of an epidemic of typhus or of smallpox.

(2) Every notification prescribed above shall be accompanied, or very promptly followed, by detailed information as to:

(a) The place where the disease has appeared.

(b) The date of its appearance, its source, and its type (including reports of pathological examinations as soon as available).

(c) The number of recognized cases and the number of deaths.

(d) The extent of the local area or areas affected.

(e) In the case of plague, the existence of that disease, or of an unusual mortality, among rodents (including reports of bacteriological examinations as soon as available).

(f) In the case of cholera, the number of germ carriers when any have been discovered.

(g) In the case of yellow fever, the presence and relative prevalence (index) of *Stegomyia* (*Aedes aegypti*).

(h) The measures taken.

(3) Each Contracting Party shall, in addition to the diseases specifically mentioned in Article 18 of the 1933 Convention, to wit, plague, cholera, yellow fever, typhus, and smallpox, notify outbreaks of such other communicable diseases as, in the opinion of UNRRA, constitute a menace to other countries by their spread or potential spread across frontiers and shall keep UNRRA regularly informed of the course of the disease.

(4) In addition to the formal notification required by paragraphs (1), (2), and (3) above, the Contracting Parties shall, so far as possible, send to UNRRA at regular intervals notifications of other communicable diseases notified in their countries.

(5) The Contracting Parties shall make the necessary arrangements with UNRRA for giving prompt information to all the governments concerned of the outbreak in any country of a disease which, in the opinion of UNRRA, constitutes a menace to other countries and of the measures which are being taken to prevent the spread of the disease across frontiers by aircraft.

(6) The notifications contemplated in paragraphs (1) and (2) of this Article are to be addressed to the diplomatic missions, or, failing them, to consular offices in the capital of the infected country and shall be held at the disposition of consular offices established in its territory.

(7) These notifications shall also be addressed to UNRRA which shall communicate them immediately to all diplomatic missions, or, failing them, to the consulates in London or Washington as well as to the principal public health authorities of the participating countries. Those prescribed under paragraphs (1) and (2) of this Article shall be transmitted by telegraph or radio.

(8) The appropriate health authority of each Contracting Party shall transmit to the sanitary and authorized aerodromes of its country or within its jurisdiction all information contained in the epidemiological notifications and communications received from UNRRA (and the regional bureaus with which it has made agreements for this purpose) in execution of the provisions of the International Sanitary Convention of June 21, 1926 which may affect the exercise of sanitary control in those aerodromes.

(9) In order to facilitate the prompt and scrupulous fulfilment of the foregoing provisions, the Contracting Parties shall ensure priority for all communications which may enable UNRRA rapidly to appraise the situation concerning the outbreak of a disease and to inform governments in order that they may take appropriate measures against the spread of the disease across their frontiers.

ARTICLE VIII

The second paragraph of Article 32 shall be deleted.

ARTICLE IX

In Article 34, paragraph (b), the following shall be inserted after subparagraph (3):

(4) The Contracting Parties shall give favorable consideration to the inoculation against typhus of all persons on board exposed to risk.

Sub-paragraphs (4) and (5) of Article 34 shall be renumbered (5) and (6) respectively.

ARTICLE X

Article 35(b) (3) shall be deleted and the following substituted:

(3) Other persons reasonably suspected to have been exposed to infection and who, in the opinion of the sanitary authority, are not sufficiently pro-

tected by recent vaccination, or by a previous attack of smallpox, may be subjected to vaccination or to observation or to surveillance, or to vaccination followed by observation or surveillance, the period of observation or surveillance being specified according to the circumstances, but in any event not exceeding 14 days, reckoned from the date of arrival of the aircraft.

The final paragraph of Article 35 shall be deleted and the following substituted:

For the purpose of this Article "recent vaccination" shall be taken as meaning evidence of successful vaccination not more than 3 years or less than 14 days previously, or evidence of an immune reaction.

ARTICLE XI

Article 36 shall be deleted and the following substituted:

The Contracting Parties agree:

(1) That persons suffering, or suspected to be suffering, from yellow fever shall not be allowed to embark on aircraft on international flight.

(2) That they will take all possible measures to establish the existence or non-existence of yellow fever within their territories. For this purpose, in territories where endemicity of yellow fever is suspected, in cases where the person dies within 10 days from the onset of any undiagnosed febrile illness, it is important that a specimen of liver tissue be taken, if necessary by viscerotome, for histopathological examination. In endemic areas a sample of blood for a yellow fever immunity test should, in addition, wherever possible, be taken from all persons suffering from an undiagnosed fever, and if the cause of the fever remains doubtful and the patient recovers, a second sample should be collected at the end of the third week from the onset of illness.

(3) For the purpose of quarantine control, UNRRA in consultation with the governments concerned and, as regards the Western Hemisphere, with the Pan American Sanitary Bureau, shall define the boundaries of endemic yellow fever areas.

(4) That they shall use their best endeavors to secure that all persons who are likely to land in an endemic yellow fever area shall be inoculated against yellow fever 10 days before arrival in the area and that, so long as such persons remain in the area, they shall be re-inoculated every 4 years.

(5)(a) That inoculation against yellow fever shall be required for all regular staff employees and crews using authorized aerodromes situated in endemic yellow fever areas.

(b) That in areas in which yellow fever does not exist, but in which there may be conditions permitting of its development, inoculation of such personnel is recommended.

(6) That all persons inoculated in compliance with the provisions of paragraphs (4) and (5) of this Article shall be furnished with and carry an Inoculation Certificate signed by the officer carrying out the inoculation. This certificate shall conform to the International Form of Certificate of Inoculation against yellow fever annexed hereto.

(7) That persons in possession of a valid anti-yellow fever inoculation certificate shall not for the purpose of the control of yellow fever be subjected to quarantine restrictions.

(8) That in place of a valid anti-yellow fever inoculation certificate, a certificate that the bearer has recovered from an attack of yellow fever and that his blood contains immune bodies against yellow fever, as proved by a test carried out by an institute regularly carrying out biological tests for yellow fever and approved for this purpose by the government of the country concerned, will be accepted.

(9) That any person not in possession of a valid anti-yellow fever inoculation certificate shall be considered to have been exposed to the risk of contracting yellow fever during the period of his stay in an endemic yellow fever area.

(10) That UNRRA shall lay down standards with which yellow fever vaccine shall conform.

(11) That they will make arrangements to test at frequent intervals the activity of the yellow fever immunizing vaccine in use in order to ensure that its immunizing properties are satisfactory, and for this purpose agree that UNRRA in consultation with the governments concerned and, as regards the Western Hemisphere, with the Pan American Sanitary Bureau, shall designate from time to time institutes which are approved for the carrying out of such tests.

ARTICLE XII

Article 38 shall be deleted and the following substituted:

Notwithstanding Article 4 of the 1933 Convention, every aerodrome which receives aircraft to which the 1933 Convention as amended applies (Article 1, I, second paragraph) and which is situated in a region, that is to say, a part of a territory, in which yellow fever exists in a form clinically, biologically, or pathologically recognizable shall be made a sanitary aerodrome as defined in the 1933 Convention, and in addition, shall be:

(1) situated at an adequate distance from the nearest inhabited center;¹⁰

(2) provided with arrangements for a water supply completely protected against mosquitoes, and kept as free as possible from mosquitoes by systematic

¹⁰ For the purpose of mosquito control the perimeter of the aerodrome should be defined as the line enclosing the area containing the aerodrome buildings and any land used or intended to be used for the parking of aircraft. A building-free zone of 400 meters should be maintained around the perimeter of all aerodromes on main air lines of communications within endemic yellow fever areas. [Footnote in original.]

measures for the suppression of breeding places and the destruction of the insects in all stages of development;

(3) provided with mosquito-proofed dwellings for the crews of the aircraft and for the staff of the aerodrome;

(4) provided with a mosquito-proofed dwelling in which passengers can be accommodated or hospitalized.

With a view to the elimination of insect vectors of yellow fever, the Contracting Parties will render and maintain free from such vectors (a) aerodromes and their surroundings in endemic yellow fever areas, and (b) aerodromes not situated in endemic yellow fever areas but exposed to the risk of the introduction of the disease.

As an immediate precaution against the carriage of vectors of yellow fever, disinsectization of aircraft shall be carried out at each aerodrome within an endemic yellow fever area, particularly on departure from the last aerodrome in an endemic yellow fever area.

Health authorities in any territory within an endemic yellow fever area shall be at liberty to impose such quarantine restrictions against other territories within that area as may be authorized by the 1933 Convention as hereby amended. Detention of healthy passengers and crews not carrying valid Inoculation Certificates shall not be carried out at the aerodrome of departure. They shall be permitted to depart, the necessary quarantine measures being carried out at the first aerodrome of arrival in an area at risk.

ARTICLE XIII

Articles 39 to 46 inclusive shall be deleted.¹¹

ARTICLE XIV

Article 47 shall be deleted, and the following substituted:

(1) In territories in which yellow fever does not exist, but in which there may be conditions which permit of its development:

(a) authorized aerodromes shall conform to the requirements set forth in Article 38 of the 1933 Convention as hereby amended;

(b) upon arrival at the first aerodrome of call aircraft which have proceeded from endemic yellow fever areas shall be disinsected.

(2) All persons traveling by air from an endemic yellow fever area to one in which yellow fever does not exist but in which there may be conditions

¹¹ In view of the deletion of Article 40, compliance with the requirements of Article 38 as amended shall no longer cause aerodromes situated in an endemic yellow fever area to be regarded as "antiamaril aerodromes" and separate local areas. Passengers landing at such aerodromes shall submit to the measures laid down in Article 38 as required. [Footnote in original.]

which permit of its development, shall be dealt with in the following manner, at the first stopping place in the latter area :

(a) if they are in possession of a valid anti-yellow fever inoculation certificate they shall be allowed to proceed without any quarantine restrictions with respect to yellow fever;

(b) if they are not in possession of a valid anti-yellow fever inoculation certificate, they may be isolated in properly screened quarters until the certificate becomes valid or until 6 days have elapsed, whichever is the lesser.

(3) Notwithstanding the preceding provisions of this Article, the Contracting Parties may (but only in the most exceptional cases) issue Certificates of Urgency to non-inoculated persons whose unobstructed passage is absolutely and immediately essential on grounds of high policy, certifying that a passage without hindrance to the bearer of the Certificate is urgently necessary.

The precise form and method of issue of the Certificate and the nature of the certifying authority shall be a matter for arrangement and communication between governments concerned.

The Contracting Parties undertake to grant unimpeded passage to bearers of such Certificates but the movements of such Certificate holders will, whenever possible, be restricted during stops on air routes to adequately screened quarters which will not be left except to re-enter the aircraft.

ARTICLE XV

The first line of Article 51 shall be altered to read "The following measures may be taken on arrival:".

ARTICLE XVI

Article 53 shall be deleted, and the following substituted:

Persons who, on their arrival at an aerodrome, are considered, under the terms of Part III of the 1933 Convention as hereby amended, liable to surveillance¹² up to the expiration of the period of incubation of the disease, may nevertheless continue the voyage on condition that the fact is notified to the authorities of subsequent landing places and of the place of arrival by some method sufficient to secure that they can be subjected to medical inspection in any subsequent aerodromes on the route.

¹² In all cases where this Convention provides for surveillance, surveillance may not be replaced by observation except

(a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or

(b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or

(c) if the person who would be subject to surveillance cannot furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary. [Footnote in original.]

Persons who are liable to observation ¹² under the terms of Article 26 of the 1933 Convention shall not be authorized, until the expiration of the period of incubation, to continue their voyage except, in the case of diseases other than yellow fever, with the approval of the sanitary authorities of the next stopping place.

ARTICLE XVII

The first paragraph of Article 54 shall be deleted and the following substituted:

In applying sanitary measures to an aircraft coming from an infected local area, the sanitary authority of each aerodrome shall, to the greatest possible extent, take into account all measures which have already been applied to the aircraft, in another sanitary aerodrome abroad or in the same country, and which are duly noted in the Aircraft Declaration of Health referred to in Article IV of the present Convention.

To Article 54 the following paragraph shall be added:

In view of the special risk of conveying insect vectors of malaria and other diseases by aircraft on international flight, all such aircraft leaving affected areas will be disinfected. Notwithstanding the terms of Article 54 of the 1933 Convention as hereby amended, further disinsectization of the aircraft on or before arrival may be required if there is reason to suspect the importation of insect vectors.

And the Contracting Parties have further agreed as follows:

ARTICLE XVIII

The present Convention shall come into force as soon as it has been signed or acceded to on behalf of ten or more governments.

ARTICLE XIX

The present Convention shall supplement and be read as one with the 1933 Convention, which as hereby amended remains in full force between the Contracting Parties, and whenever any provision of the 1933 Convention contains a reference to another provision, the reference shall be deemed to be a reference to that provision as modified by any amendments effected thereto by the present Convention.

ARTICLE XX

After January 15, 1945 the present Convention shall be open to accession by any government not a signatory. Accessions shall be notified in writing to the Government of the United States of America.

Accessions notified after the entry into force of the present Convention shall become effective with respect to each government upon the notification of its accession.

ARTICLE XXI

Any Contracting Party may on signature or accession declare that the present Convention does not apply to all or any of its colonies, overseas territories, territories under its protection, suzerainty, or authority, or territories in respect of which it exercises a mandate. The present Convention may at any time thereafter be applied to any such territory by notification in writing to the Government of the United States of America, and the Convention shall apply to the territory concerned from the date of the receipt of the notification by the Government of the United States of America.

ARTICLE XXII

The Government of the United States of America shall give notice in writing to governments parties to the 1933 Convention and to governments parties to the present Convention, of all signatures and accessions to the present Convention and of all notifications regarding the territories to which the present Convention is to be applied.

ARTICLE XXIII

The present Convention shall remain in force as to each Contracting Party until either

(1) such Party shall become bound by a further Convention amending or superseding the 1933 Convention, or

(2) the expiration of eighteen months from the date on which the present Convention enters into force,

whichever shall be the earlier.

ARTICLE XXIV

The original of the present Convention shall be deposited in the archives of the Government of the United States of America and shall be opened for signature at Washington on December 15, 1944, where it shall remain open for signature until January 15, 1945. Certified copies hereof shall be furnished by the Government of the United States of America to each of the governments on behalf of which this Convention is signed or acceded to and to each of the governments parties to the 1933 Convention.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having deposited their full powers, found to be in due and proper form, sign the present Convention in the English and French languages, both texts being equally authentic, on behalf of their respective governments, on the dates appearing opposite their signatures.

For the French Republic:

ANDRÉ MAYER

January 5, 1945

For Poland:

JAN CIECHANOWSKI

January 5, 1945

For the United Kingdom of Great Britain and Northern Ireland:

At the time of signing the present Convention I declare that my signature does not cover any of the territories referred to in Article Twenty-One of the International Sanitary Convention for Aerial Navigation, 1944.¹³

HALIFAX

January 5, 1945

For the United States of America:

Subject to ratification.

E. R. STETTINIUS, Jr.

January 5, 1945

For China:

J. HENG LIU

January 11, 1945

For the Union of South Africa:

S. F. N. GIE

January 13, 1945

For Egypt:

With the following reservations:

1. That this signature does not affect in any way the relations of the Egyptian Government with the International Office of Public Health, Paris, or its obligations toward the Regional Office at Alexandria;

2. That this convention is subject to ratification by the Egyptian Parliament.

M. HASSAN

January 15, 1945

For Canada:

Subject to ratification.

L. B. PEARSON

January 15, 1945

For Cuba:

This convention, subject to approval by the Senate of the Republic, will be ratified by the Executive [translation].

GMO. BELT

January 15, 1945

For the Dominican Republic:

With the reservation that the Dominican Republic will not be able to ratify this convention without adhering, at the same time, to the Paris and Hague Conventions, and that by virtue of Constitutional principles of the Republic, these processes shall be subject to the prior approval of the National Congress [translation].

EMILIO G. GODOY

January 15, 1945

For Bolivia:

Subject to ratification [translation].

V. ANDRADE

January 15, 1945

For Nicaragua:

GUILLERMO SEVILLA SACASA

January 15, 1945

For Peru:

With the following reservations:

1. That this Convention is signed *ad referendum*;

2. That if the execution of the said Convention would not conform with the regulations contained in the Pan American Sanitary Code of Havana, Perú will give preference to the latter.

P. G. BELTRÁN

January 15, 1945

¹³ The convention was subsequently made applicable to British territories, dependencies, and protectorates, as specified in notifications given by the British Government.

For Luxembourg:

HUGUES LE GALLAIS

January 15, 1945

For Ecuador:

S. E. DURAN BALLEÑ

January 15, 1945

For Greece:

C. P. DIAMANTOPOULOS

January 15, 1945

For Honduras:

JULIÁN R CÁ CERES

January 15, 1945

For Haiti:

J. THÉBAUD

January 15, 1945

[For forms annexed to the convention, see 59 Stat. 1013 or p. 28 of TS 992.]

ARMISTICE WITH HUNGARY¹

Agreement, with annex and protocol, signed at Moscow January 20, 1945

Entered into force January 20, 1945

59 Stat. 1321 ; Executive Agreement Series 456

AGREEMENT CONCERNING AN ARMISTICE BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA ON ONE HAND AND HUNGARY ON THE OTHER

The Provisional National Government of Hungary, recognizing the fact of the defeat of Hungary in the war against the Soviet Union, the United Kingdom, the United States of America, and other United Nations, accepts the armistice terms presented by the Governments of the above-mentioned three powers, acting on behalf of all the United Nations which are in a state of war with Hungary.

On the basis of the foregoing the representative of the Allied (Soviet) High Command, Marshal of the Soviet Union K. E. Voroshilov, duly authorized thereto by the Governments of the Soviet Union, the United Kingdom, and the United States of America, acting on behalf of all the United Nations which are at war with Hungary, on the one hand and the representatives of the Provisional National Government of Hungary, Minister of Foreign Affairs Mister Gyöngyösi Janos, Minister of Defense Colonel General Vörös Janos and State Secretary of the Cabinet of Ministers Mister Balogh Istvan, on the other, holding proper full powers, have signed the following conditions:

1. (a) Hungary has withdrawn from the war against the Union of Soviet Socialist Republics and other United Nations, including Czechoslovakia, has severed all relations with Germany and has declared war on Germany.

(b) The Government of Hungary undertakes to disarm German armed forces in Hungary and to hand them over as prisoners of war.

¹ A treaty of peace with Hungary (TIAS 1651, *post*, vol. 4.) was signed Feb. 10, 1947, and entered into force Sept. 15, 1947.

The Government of Hungary also undertakes to intern nationals of Germany.

(c) The Government of Hungary undertakes to maintain and make available such land, sea and air forces as may be specified for service under the general direction of the Allied (Soviet) High Command. In this connection Hungary will provide not less than eight infantry divisions with corps troops. These forces must not be used on allied territory except with the prior consent of the allied government concerned.

(d) On the conclusion of hostilities against Germany, the Hungarian armed forces must be demobilized and put on a peace footing under the supervision of the Allied Control Commission.² (See Annex to Article I.)

2. Hungary has accepted the obligation to evacuate all Hungarian troops and officials from the territory of Czechoslovakia, Yugoslavia, and Rumania occupied by her within the limits of the frontiers of Hungary existing on December 31, 1937, and also to repeal all legislative and administrative provisions relating to the annexation or incorporation into Hungary of Czechoslovak, Yugoslav and Rumanian territory.

3. The Government and High Command of Hungary will ensure to the Soviet and other allied forces facilities for free movement on Hungarian territory in any direction if, in the opinion of the Allied (Soviet) High Command, the military situation requires this, the Government and High Command of Hungary giving such movement every possible assistance with their own means of communication and at their own expense on land, on water and in the air. (See Annex to Article 3).

4. The Government of Hungary will immediately release all allied prisoners of war and internees. Pending further instructions the Government of Hungary will at its own expense provide all allied prisoners of war and internees, displaced persons and refugees, including nationals of Czechoslovakia and Yugoslavia, with adequate food, clothing, medical services, and sanitary and hygienic requirements, and also with means of transportation for the return of any such persons to their own country.

5. The Government of Hungary will immediately release, regardless of citizenship and nationality, all persons held in confinement in connection with their activities in favor of the United Nations or because of their sympathies with the United Nations' cause or for racial or religious reasons, and will repeal all discriminatory legislation and disabilities arising therefrom.

The Government of Hungary will take all necessary measures to ensure that all displaced persons or refugees within the limits of Hungarian territory, including Jews and stateless persons, are accorded at least the same measure of protection and security as its own nationals.

6. The Government of Hungary undertakes to return to the Soviet Union, and also to Czechoslovakia and Yugoslavia and to the other United Nations,

² For regulations concerning the Allied Control Commission in Hungary, see *post*, p. 1002.

by the dates specified by the Allied Control Commission, and in complete good order, all valuables and materials removed during the war to Hungary from United Nations' territory and belonging to state, public or cooperative organizations, enterprises, institutions or individual citizens, such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures and any other property.

7. The Government and High Command of Hungary undertake to hand over as booty into the hands of the Allied (Soviet) High Command all German war material located on Hungarian territory, including vessels of the fleet of Germany.³

8. The Government and High Command of Hungary undertake not to permit, without the authorization of the Allied Control Commission, the export or expropriation of any form of property (including valuables and currency) belonging to Germany or her nationals or to persons resident in German territory or in territories occupied by Germany. They will safeguard such property in the manner specified by the Allied Control Commission.

9. The Government and High Command of Hungary undertake to hand over to the Allied (Soviet) High Command all vessels belonging or having belonged to the United Nations which are located in Hungarian Danubian ports, no matter at whose disposal these vessels may be, for use during the period of the war against Germany by the Allied (Soviet) High Command in the general interests of the Allies, these vessels subsequently to be returned to their owners.³

The Government of Hungary will bear full material responsibility for any damage or destruction of the aforementioned property until the moment of its transfer to the Allied (Soviet) High Command.

10. Hungarian merchant vessels, whether in Hungarian or foreign waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interests of the Allies.

11. The Government of Hungary will make regular payments in Hungarian currency and provide commodities (fuel, foodstuffs, et cetera), facilities and services as may be required by the Allied (Soviet) High Command for the fulfillment of its functions as well as for the needs of missions and representatives of the allied states connected with the Allied Control Commission.

The Government of Hungary will also assure, in case of need, the use and regulation of the work of industrial and transport enterprises, means of communication, power stations, enterprises and installations of public utility, stores of fuel and other material, in accordance with instructions issued during the armistice by the Allied (Soviet) High Command or the Allied Control Commission. (See Annex to Article 11.)

12. Losses caused to the Soviet Union, Czechoslovakia and Yugoslavia by military operations and by the occupation by Hungary of the territories of

³ For understandings relating to arts. 7 and 9, see protocol, p. 1001.

these states will be made good by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia, but taking into consideration that Hungary has not only withdrawn from the war against the United Nations but has declared war against Germany, the parties agree that compensation for the indicated losses will be made by Hungary not in full but only in part; namely, to the amount of 300 million American dollars payable over six years in commodities (machine equipment, river craft, grain, livestock, et cetera), the sum to be paid to the Soviet Union to amount to 200 million American dollars and the sum to be paid to Czechoslovakia and Yugoslavia to amount to 100 million American dollars.

Compensation will be paid by Hungary for loss and damage caused by the war to other allied states and their nationals, the amount of compensation to be fixed at a later date. (See Annex to Article 12.)

13. The Government of Hungary undertakes to restore all legal rights and interests of the United Nations and their nationals on Hungarian territory as they existed before the war and also to return their property in complete good order.

14. Hungary will cooperate in the apprehension and trial, as well as the surrender to the governments concerned, of persons accused of war crimes.

15. The Government of Hungary undertakes to dissolve immediately all pro-Hitler or other fascist political, military, para-military and other organizations on Hungarian territory conducting propaganda hostile to the United Nations and not to tolerate the existence of such organizations in future.

16. The publication, introduction and distribution in Hungary of periodical or non-periodical literature, the presentation of theatrical performances or films, the operation of wireless stations, post, telegraph and telephone services will take place in agreement with the Allied (Soviet) High Command. (See Annex to Article 16.)

17. Hungarian civil administration will be restored in the whole area of Hungary separated by not less than 50-100 kilometres (depending upon conditions of terrain) from the front line, Hungarian administrative bodies undertaking to carry out, in the interests of the reestablishment of peace and security, instructions and orders of the Allied (Soviet) High Command or Allied Control Commission issued by them for the purpose of securing the execution of these armistice terms.

18. For the whole period of the armistice there will be established in Hungary an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command and with the participation of representatives of the United Kingdom and the United States.

During the period between the coming into force of the armistice and the conclusion of hostilities against Germany, the Allied Control Commission

will be under the general direction of the Allied (Soviet) High Command. (See Annex to Article 18).

19. The Vienna Arbitration Award of November 2, 1938 and the Vienna Award of August 30, 1940 are hereby declared to be null and void.

20. The present terms come into force at the moment of their signing.

Done in Moscow 20 January, 1945, in one copy which will be entrusted to the safekeeping of the Government of the Union of Soviet Socialist Republics, in the Russian, English and Hungarian languages, the Russian and English texts being authentic.

Certified copies of the present agreement, with annexes, will be transmitted by the Government of the Union of Soviet Socialist Republics to each of the other governments on whose behalf the present agreement is being signed.

For the Governments of the Union of
Soviet Socialist Republics, the United
Kingdom and the United States of
America

K. VOROSHILOV

[SEAL]

For the Provisional National Government
of Hungary

GYÖNGYÖSI JÁNOS

VÖRÖS JÁNOS

BALOGH ISTVÁN

[SEAL]

ANNEX TO "AGREEMENT CONCERNING AN ARMISTICE BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA ON ONE HAND AND HUNGARY ON THE OTHER", SIGNED IN MOSCOW 20 JANUARY, 1945.

A. ANNEX TO ARTICLE 1

The Hungarian Military Command shall hand over to the Allied (Soviet) High Command within a period fixed by the latter all the information at its disposal regarding the German armed forces and the plans of the German Military Command for the development of military operations against the Union of Soviet Socialist Republics and the other United Nations, and also the charts and maps and all operational documents relating to the military operations of the German armed forces.

The measures provided for in Article I of the Agreement regarding the internment of nationals of Germany now in Hungarian territory do not apply to nationals of that country of Jewish origin.

B. ANNEX TO ARTICLE 3

The assistance specified in Article 3 of the Agreement shall be taken to mean that the Government and High Command of Hungary will place at the disposal of the Allied (Soviet) High Command, for use at its discretion during the armistice, in complete good order and with the personnel required for their maintenance, all Hungarian military, air and river fleet installations

and buildings, ports, barracks, warehouses, airfields, means of communication and meteorological stations which might be required for military needs.

C. ANNEX TO ARTICLE 11

The Government of Hungary will withdraw and redeem within such time limits and on such terms as the Allied (Soviet) High Command may specify, all holdings in Hungarian territory of currencies issued by the Allied (Soviet) High Command, and will hand over currency so withdrawn free of cost to the Allied (Soviet) High Command.

The Government of Hungary will not permit the disposal of external Hungarian assets or the disposal of internal Hungarian assets to foreign governments or foreign nationals without the permission of the Allied (Soviet) High Command or Allied Control Commission.

D. ANNEX TO ARTICLE 12

The precise nomenclature and varieties of commodities to be delivered by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia in accordance with Article 12 of the Agreement and also the more precise periods for making these deliveries each year shall be defined in special agreements between the respective governments. These deliveries will be calculated at 1938 prices with an increase of fifteen percent for industrial equipment and ten percent for other goods.

As the basis of calculation for payment of the indemnity foreseen in Article 12 of the Agreement, the American dollar is to be used at its gold parity on the day of signing of the agreement, i.e. thirty-five dollars to one ounce of gold.

In connection with Article 12 it is understood that the Government of Hungary will immediately make available certain food and other supplies required for relief and rehabilitation of the population of those Czechoslovak and Yugoslav territories which have suffered as a result of Hungarian aggression. The quantities of the products to be delivered will be determined by agreement between the three governments and will be considered as part of the reparation by Hungary for the loss and damages sustained by Czechoslovakia and Yugoslavia.

E. ANNEX TO ARTICLE 16

The Government of Hungary will ensure that wireless communication, telegraphic and postal correspondence, and correspondence in cipher and by courier, as well as telephonic communication with foreign countries, of embassies, legations and consulates situated in Hungary will be conducted in the manner laid down by the Allied (Soviet) High Command.

F. ANNEX TO ARTICLE 18

Control over the exact execution of the armistice terms will be entrusted to the Allied Control Commission to be established in conformity with Article 18 of the Armistice Agreement.

The Government of Hungary and its organs shall fulfill all instructions of the Allied Control Commission arising out of the armistice agreement.

The Allied Control Commission will set up special organs or sections, entrusting them respectively with the execution of various functions. In addition, the Allied Control Commission may have its officers in various parts of Hungary.

The Allied Control Commission will have its seat in the city of Budapest.

Moscow, 20 January, 1945.

PROTOCOL TO THE ARMISTICE AGREEMENT WITH HUNGARY

In signing the Armistice Agreement with the Government of Hungary, the Allied Governments signatory thereto have agreed as follows:

1. The term "war material" used in Article 7 shall be deemed to include all material or equipment belonging to, used by, or intended for use by the military or para-military formations of the enemy or members thereof.

2. The use by the Allied (Soviet) High Command of allied vessels handed over by the Government of Hungary in accordance with Article 9 of the Armistice Agreement and the date of their return to their owners will be the subject of discussion and settlement between the Government of the Soviet Union and the Allied Governments concerned.

Done in Moscow in three copies, each in the Russian and English languages, the Russian and English texts being authentic.

January 20, 1945.

By authority of the Government of the Union of Soviet Socialist Republics.

V. DEKANOSOV

[SEAL]

For the Government of the United States of America.

W. A. HARRIMAN

[SEAL]

For the Government of the United Kingdom.

JOHN BALFOUR

[SEAL]

ALLIED CONTROL COMMISSION IN HUNGARY

*Statutes approved at Moscow January 20, 1945*¹

Entered into force January 20, 1945

1945 For. Rel. (IV) 802

[TRANSLATION]

STATUTES OF THE ALLIED CONTROL COMMISSION IN HUNGARY

1. The functions of the Allied Control Commission in Hungary shall consist of the regulation and control, for the period up to the conclusion of peace,² over the exact fulfillment of the armistice terms set forth in the agreement concluded on January 20, 1945,³ between the governments of the Soviet Union, United Kingdom and the United States of America on the one hand and the Provisional Government of Hungary on the other.

2. The Allied Control Commission shall be headed by a Chairman who shall be the representative of the Soviet armed forces. Attached to him there shall be: a vice-chairman of the Commission; a political adviser; two assistants to the Chairman; a chief of staff of the Commission.

Representatives of the United Kingdom and the United States of America will be included in the composition of the Allied Control Commission.

¹ A Russian text of the regulations was sent to W. Averell Harriman, the American Ambassador at Moscow on Jan. 20, 1945, with a covering note from V. M. Molotov, People's Commissar for Foreign Affairs of the Soviet Union, which reads as follows:

"DEAR MR. AMBASSADOR: Under instructions of the Soviet Government I am sending you herewith the Statutes of the Allied Control Commission for Hungary, the text of which was previously agreed upon with you.

"At the same time I wish to state that as was previously agreed upon by us the attached Statutes of the Allied Control Commission for Hungary will be regarded as approved by the Governments of the Soviet Union, Great Britain and the United States and will enter into force immediately after the signing of the Hungarian Armistice Agreement.

"I am sending a letter of similar contents to the Chargé d'Affaires ad interim of Great Britain, Mr. Balfour. . . ."

In a letter to Mr. Molotov dated Jan. 21, 1945, Ambassador Harriman replied as follows:

"I wish to acknowledge the receipt of your letter of January 20, 1945, enclosing the Statutes of the Allied Control Commission for Hungary.

"I hereby wish to confirm my Government's approval of these Statutes, as transmitted in your letter under reference."

² A treaty of peace with Hungary (TIAS 1651, *post*, vol. 4.) was signed Feb. 10, 1947, and entered into force Sept. 15, 1947.

³ EAS 456, *ante*, p. 995.

The Allied Control Commission shall have its own seal.

The seat of the Allied Control Commission shall be Budapest.

3. The Allied Control Commission shall be composed of:

- (a) a staff
- (b) a political division
- (c) an administrative division
- (d) a military division
- (e) an air force division
- (f) a river fleet division
- (g) an economic division

4. During the first period, i.e. from the moment of the entry into force of the armistice to the end of hostilities against Germany, the Chairman (or Vice-Chairman) shall call meetings and inform the British and American representatives of policy directives (i.e. directives involving matters of general principle) prior to the issuance of such directives to the Hungarian authorities in the name of the Commission, and also take note of such observations as the British or American representatives may desire to make.

5. During this first period, the representatives of the United Kingdom and the United States of America shall have the right:

(a) to receive oral and written information from Soviet officials of the Commission on any matters connected with the fulfillment of the armistice agreement.

(b) to put forward for the consideration of the Commission proposals of their governments on questions connected with the fulfillment of the armistice agreement.

(c) to receive copies of all communications, reports and other documents which may interest the governments of the United Kingdom and the United States of America.

(d) to make journeys to the provinces. For this purpose they shall apply to the Vice-Chairman regarding the arrangements to be made.

(e) to participate in general conferences or meetings of the chiefs of divisions of the Commission.

(f) to communicate through the Chairman of the Commission, the Vice-Chairman, or the chief of the appropriate division, with the organs of the Hungarian Government.

(g) to determine the size and composition of their own delegations.

(h) to communicate directly with their respective governments by cipher telegram and by diplomatic mail, for which purpose they shall have the right to receive and despatch diplomatic couriers by air at regular intervals, by agreement with the Allied (Soviet) High Command.

(i) to determine the amount of money required from the Hungarian Government for the expenses of their respective staffs and to obtain such funds through the Commission.

6. The Allied Control Commission shall have its representatives in the provinces, districts, ports, and at the most important enterprises for the organization of local control.

7. The Vice-Chairman and assistants to the Chairman of the Allied Control Commission and also the chiefs of divisions shall have the right, through the local military command, to call in specialist-officers for consultation, for making surveys or for working out special questions which arise during the work of the Allied Control Commission.

8. Liaison with the Hungarian Governmental authorities shall be effected by representatives of the Allied Control Commission not lower than a chief of division of the Commission and in the provinces, districts and ports by the appropriate representatives of the Commission.

CRIMEA (YALTA) CONFERENCE, 1945

*Report signed at Yalta February 11, 1945*¹

1945 For. Rel. (Conferences at Malta
and Yalta) 968

For the past eight days, Winston S. Churchill, Prime Minister of Great Britain, Franklin D. Roosevelt, President of the United States of America, and Marshal J. V. Stalin, Chairman of the Council of Peoples' Commissars of the Union of Soviet Socialist Republics have met with the Foreign Secretaries, Chiefs of Staff and other advisors in the Crimea.

In addition to the three Heads of Government, the following took part in the Conference:

For the United States of America:

Edward R. Stettinius, Jr., Secretary of State
Fleet Admiral William D. Leahy, U.S.N., Chief of Staff to the President;
Harry L. Hopkins, Special Assistant to the President;
Justice James F. Byrnes, Director, Office of War Mobilization;
General of the Army George C. Marshall, U.S.A., Chief of Staff, U.S. Army;
Fleet Admiral Ernest J. King, U.S.N., Chief of Naval Operations and
Commander in Chief, U.S. Fleet;
Lieutenant General Brehon B. Somervell, Commanding General, Army
Service Forces;
Vice Admiral Emory S. Land, War Shipping Administrator
Major General L. S. Kuter, U.S.A., Staff of Commanding General, U.S.
Army Air Forces;
W. Averell Harriman, Ambassador to the U.S.S.R.
H. Freeman Matthews, Director of European Affairs, State Department;
Alger Hiss, Deputy Director, Office of Special Political Affairs, Department of
State;
Charles E. Bohlen, Assistant to the Secretary of State,
together with political, military and technical advisors.

For the Soviet Union:

V. M. Molotov, People's Commissar for Foreign Affairs of the USSR
Admiral Kuznetsov, People's Commissar for the Navy

¹ The Crimea Conference met at Yalta from Feb. 4 to Feb. 11, 1945.

Army General Antonov, Deputy Chief of the General Staff of the Red Army
A. Ya. Vyshinski, Deputy People's Commissar for Foreign Affairs of the USSR

I. M. Maisky, Deputy People's Commissar for Foreign Affairs of the USSR
Marshal of Aviation Khydyakov

F. T. Gousev, Ambassador in Great Britain

A. A. Gromyko, Ambassador in U.S.A.

For the United Kingdom:

Anthony Eden, Secretary of State for Foreign Affairs

Lord Leathers, Minister of War Transport

Sir A. Clark Kerr, H. M. Ambassador at Moscow

Sir Alexander Cadogan, Permanent Under Secretary of State for Foreign Affairs

Sir Edward Bridges, Secretary of the War Cabinet

Field Marshal Sir Alan Brooke, Chief of the Imperial General Staff

Marshal of the Royal Air Force Sir Charles Portal, Chief of the Air Staff

Admiral of the Fleet Sir Andrew Cunningham, First Sea Lord

General Sir Hastings Ismay, Chief of Staff to the Minister of Defense,
together with

Field Marshall Alexander, Supreme Allied Commander, Mediterranean Theatre

Field Marshal Wilson, Head of the British Joint Staff Mission at Washington

Admiral Somerville, Joint Staff Mission at Washington

together with military and diplomatic advisors.

The following statement is made by the Prime Minister of Great Britain, the President of the United States of America, and the Chairman of the Council of Peoples' Commissars of the Union of Soviet Socialist Republics on the results of the Crimean Conference:

I

THE DEFEAT OF GERMANY

We have considered and determined the military plans of the three allied powers for the final defeat of the common enemy. The military staffs of the three allied nations have met in daily meetings throughout the Conference. These meetings have been most satisfactory from every point of view and have resulted in closer coordination of the military effort of the three Allies than ever before. The fullest information has been inter-changed. The timing, scope and coordination of new and even more powerful blows to be launched by our armies and air forces into the heart of Germany from the East, West, North and South have been fully agreed and planned in detail.

Our combined military plans will be made known only as we execute them, but we believe that the very close working partnership among the three staffs

attained at this Conference will result in shortening the war. Meetings of the three staffs will be continued in the future whenever the need arises.

Nazi Germany is doomed. The German people will only make the cost of their defeat heavier to themselves by attempting to continue a hopeless resistance.

II

THE OCCUPATION AND CONTROL OF GERMANY

We have agreed on common policies and plans for enforcing the unconditional surrender terms which we shall impose together on Nazi Germany after German armed resistance has been finally crushed. These terms will not be made known until the final defeat of Germany has been accomplished. Under the agreed plan, the forces of the Three Powers will each occupy a separate zone of Germany.² Coordinated administration and control has been provided for under the plan through a central Control Commission consisting of the Supreme Commanders of the Three Powers with headquarters in Berlin.³ It has been agreed that France should be invited by the Three Powers, if she should so desire, to take over a zone of occupation, and to participate as a fourth member of the Control Commission.⁴ The limits of the French zone will be agreed by the four governments concerned through their representatives on the European Advisory Commission.

It is our inflexible purpose to destroy German militarism and Nazism and to ensure that Germany will never again be able to disturb the peace of the world. We are determined to disarm and disband all German armed forces; break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism; remove or destroy all German military equipment; eliminate or control all German industry that could be used for military production; bring all war criminals to just and swift punishment and exact reparation in kind for the destruction wrought by the Germans; wipe out the Nazi party, Nazi laws, organizations and institutions, remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people; and take in harmony such other measures in Germany as may be necessary to the future peace and safety of the world. It is not our purpose to destroy the people of Germany, but only when Nazism and Militarism have been extirpated will there be a hope for a decent life for Germans, and a place for them in the comity of nations.

² For protocol of Sept. 12, 1944, regarding zones of occupation, see 5 UST 2078; TIAS 3071.

³ For agreement of Nov. 14, 1944, regarding control machinery, see 5 UST 2062; TIAS 3070.

⁴ For agreement of July 26, 1945, amending protocol of Sept. 12, 1944, regarding zones of occupation, see 5 UST 2087; TIAS 3071. For agreement of May 1, 1945, amending agreement of Nov. 14, 1944, regarding control machinery, see 5 UST 2072; TIAS 3070.

III

REPARATION BY GERMANY

We have considered the question of the damage caused by Germany to the Allied Nations in this war and recognized it as just that Germany be obliged to make compensation for this damage in kind to the greatest extent possible. A Commission for the Compensation of Damage will be established. The Commission will be instructed to consider the question of the extent and methods for compensating damage caused by Germany to the Allied Countries. The Commission will work in Moscow.

IV

UNITED NATIONS CONFERENCE

We are resolved upon the earliest possible establishment with our allies of a general international organization to maintain peace and security. We believe that this is essential, both to prevent aggression and to remove the political, economic and social causes of war through the close and continuing collaboration of all peace-loving peoples.

The foundations were laid at Dumbarton Oaks. On the important question of voting procedure, however, agreement was not there reached. The present conference has been able to resolve this difficulty.

We have agreed that a Conference of United Nations should be called to meet at San Francisco in the United States on April 25th, 1945, to prepare the charter of such an organization, along the lines proposed in the informal conversations at Dumbarton Oaks.

The Government of China and the Provisional Government of France will be immediately consulted and invited to sponsor invitations to the Conference jointly with the Governments of the United States, Great Britain and the Union of Soviet Socialist Republics. As soon as the consultation with China and France has been completed, the text of the proposals on voting procedure will be made public.

V

DECLARATION ON LIBERATED EUROPE

We have drawn up and subscribed to a Declaration on liberated Europe. This Declaration provides for concerting the policies of the three Powers and for joint action by them in meeting the political and economic problems of liberated Europe in accordance with democratic principles. The text of the Declaration is as follows:

The Premier of the Union of Soviet Socialist Republics, the Prime Minister of the United Kingdom, and the President of the United States of America have consulted with each other in the common interests of the peoples of their

countries and those of liberated Europe. They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems.

The establishment of order in Europe and the rebuilding of national economic life must be achieved by processes which will enable the liberated peoples to destroy the last vestiges of Nazism and Fascism and to create democratic institutions of their own choice. This is a principle of the Atlantic Charter⁵—the right of all peoples to choose the form of government under which they will live—the restoration of sovereign rights and self-government to those peoples who have been forcibly deprived of them by the aggressor nations.

To foster the conditions in which the liberated peoples may exercise these rights, the three governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe where in their judgment conditions require (*a*) to establish conditions of internal peace; (*b*) to carry out emergency measures for the relief of distressed people; (*c*) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (*d*) to facilitate where necessary the holding of such elections.

The three governments will consult the other United Nations and provisional authorities or other governments in Europe when matters of direct interest to them are under consideration.

When, in the opinion of the three governments, conditions in any European liberated state or any former Axis satellite state in Europe make such action necessary, they will immediately consult together on the measures necessary to discharge the joint responsibilities set forth in this declaration.

By this declaration we reaffirm our faith in the principles of the Atlantic Charter, our pledge in the Declaration by the United Nations,⁶ and our determination to build in cooperation with other peace-loving nations a world order under law, dedicated to peace, security, freedom and the general well-being of all mankind.

In issuing this declaration, the Three Powers express the hope that the Provisional Government of the French Republic may be associated with them in the procedure suggested.

⁵ EAS 236, *ante*, p. 686.

⁶ EAS 236, *ante*, p. 697.

VI

POLAND

We came to the Crimea Conference resolved to settle our differences about Poland. We discussed fully all aspects of the question. We reaffirmed our common desire to see established a strong, free, independent and democratic Poland. As a result of our discussions we have agreed on the conditions in which a new Polish Provisional Government of National Unity may be formed in such a manner as to command recognition by the three major powers.

The agreement reached is as follows:

A new situation has been created in Poland as a result of her complete liberation by the Red Army. This calls for the establishment of a Polish Provisional Government which can be more broadly based than was possible before the recent liberation of western Poland. The Provisional Government which is now functioning in Poland should therefore be reorganized on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. This new Government should then be called the Polish Provisional Government of National Unity.

M. Molotov, Mr. Harriman and Sir A. Clark Kerr are authorized as a Commission to consult in the first instance in Moscow with members of the present Provisional Government and with other Polish democratic leaders from within Poland and from abroad, with a view to the reorganization of the present Government along the above lines. This Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates.

When a Polish Provisional Government of National Unity has been properly formed in conformity with the above, the Government of the U.S.S.R., which now maintains diplomatic relations with the present Provisional Government of Poland, and the Government of the United Kingdom and the Government of the United States will establish diplomatic relations with the new Polish Provisional Government of National Unity, and will exchange Ambassadors by whose reports the respective Governments will be kept informed about the situation in Poland.

The three Heads of Government consider that the eastern frontier of Poland should follow the Curzon Line with digressions from it in some regions of five to eight kilometres in favor of Poland. They recognize that Poland must receive substantial accessions of territory in the north and west. They feel that the opinion of the new Polish Provisional Government of National Unity should be sought in due course on the extent of these acces-

sions and that the final delimitation of the western frontier of Poland should thereafter await the Peace Conference.

VII

YUGOSLAVIA

We have agreed to recommend to Marshal Tito and Dr. Subasic that the Agreement between them should be put into effect immediately, and that a new Government should be formed on the basis of that Agreement.

We also recommend that as soon as the new Government has been formed, it should declare that:

(i) The Anti-fascist Assembly of National Liberation (Avnoj) should be extended to include members of the last Yugoslav Parliament (Skupschina) who have not compromised themselves by collaborating with the enemy, thus forming a body to be known as a temporary Parliament; and

(ii) legislative acts passed by the Anti-Fascist Assembly of National Liberation (AUNOJ) will be subject to subsequent ratification by a Constituent Assembly.

There was also a general review of other Balkan questions.

VIII

MEETINGS OF FOREIGN SECRETARIES

Throughout the Conference, besides the daily meetings of the Heads of Governments and the Foreign Secretaries, separate meetings of the three Foreign Secretaries, and their advisers have also been held daily.

These meetings have proved of the utmost value and the Conference agreed that permanent machinery should be set up for regular consultation between the three Foreign Secretaries. They will, therefore, meet as often as may be necessary, probably about every three or four months. These meetings will be held in rotation in the three Capitals, the first meeting being held in London, after the United Nations Conference on world organization.

IX

UNITY FOR PEACE AS FOR WAR

Our meeting here in the Crimea has reaffirmed our common determination to maintain and strengthen in the peace to come that unity of purpose and of action which has made victory possible and certain for the United Nations in this war. We believe that this is a sacred obligation which our Governments owe to our peoples and to all the peoples of the world.

Only with continuing and growing co-operation and understanding among our three countries and among all the peace-loving nations can the highest

aspiration of humanity be realized—a secure and lasting peace which will, in the words of the Atlantic Charter, “afford assurance that all the men in all the lands may live out their lives in freedom from fear and want”.

Victory in this war and establishment of the proposed international organization will provide the greatest opportunity in all history to create in the years to come the essential conditions of such a peace.

WINSTON S. CHURCHILL
FRANKLIN D. ROOSEVELT
J. STALIN

FEBRUARY 11, 1945

CRIMEA (YALTA) CONFERENCE, 1945

Protocol of proceedings signed at Yalta February 11, 1945

1945 For. Rel. (Conferences at Malta
and Yalta) 975

PROTOCOL OF THE PROCEEDINGS OF THE CRIMEA CONFERENCE

The Crimea Conference of the Heads of the Governments of the United States of America, the United Kingdom, and the Union of Soviet Socialist Republics which took place from February 4th to 11th came to the following conclusions.

I. WORLD ORGANISATION

It was decided:

(1) that a United Nations Conference on the proposed world organisation should be summoned for Wednesday, 25th April, 1945, and should be held in the United States of America.

(2) the Nations to be invited to this Conference should be:

(a) the United Nations as they existed on the 8th February, 1945 and

(b) such of the Associated Nations as have declared war on the common enemy by 1st March, 1945. (For this purpose by the term "Associated Nation" was meant the eight Associated Nations and Turkey.)

When the Conference on World Organization is held, the delegates of the United Kingdom and United States of America will support a proposal to admit to original membership two Soviet Socialist Republics, i. e. the Ukraine and White Russia.

(3) that the United States Government on behalf of the Three Powers should consult the Government of China and the French Provisional Government in regard to the decisions taken at the present Conference concerning the proposed World Organisation.

(4) that the text of the invitation to be issued to all the nations which would take part in the United Nations Conference should be as follows:

INVITATION

"The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom, the Union of Soviet Socialist Republics, and the Republic of China and of the Provisional Government of the French Republic, invite the Government of _____ to send repre-

sentatives to a Conference of the United Nations to be held on 25th April, 1945, or soon thereafter, at San Francisco in the United States of America to prepare a Charter for a General International Organisation for the maintenance of international peace and security.

"The above named governments suggest that the Conference consider as affording a basis for such a Charter the Proposals for the Establishment of a General International Organisation, which were made public last October as a result of the Dumbarton Oaks Conference, and which have now been supplemented by the following provisions for Section C of Chapter VI:

"*C. Voting*

"1. Each member of the Security Council should have one vote.

"2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A and under the second sentence of paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting'.

"Further information as to arrangements will be transmitted subsequently.

"In the event that the Government of _____ desires in advance of the Conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating Governments".

TERRITORIAL TRUSTEESHIP

It was agreed that the five Nations which will have permanent seats on the Security Council should consult each other prior to the United Nations Conference on the question of territorial trusteeship.

The acceptance of this recommendation is subject to its being made clear that territorial trusteeship will only apply to (a) existing mandates of the League of Nations; (b) territories detached from the enemy as a result of the present war; (c) any other territory which might voluntarily be placed under trusteeship; and (d) no discussion of actual territories is contemplated at the forthcoming United Nations Conference or in the preliminary consultations, and it will be a matter for subsequent agreement which territories within the above categories will be placed under trusteeship.

II. DECLARATION ON LIBERATED EUROPE

The following declaration has been approved:

"The Premier of the Union of Soviet Socialist Republics, the Prime Minister of the United Kingdom and the President of the United States of America have consulted with each other in the common interests of the peoples of their countries and those of liberated Europe. They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peo-

ples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems.

"The establishment of order in Europe and the re-building of national economic life must be achieved by processes which will enable the liberated peoples to destroy the last vestiges of Nazism and Fascism and to create democratic institutions of their own choice. This is a principle of the Atlantic Charter¹—the right of all peoples to choose the form of government under which they will live—the restoration of sovereign rights and self-government to those peoples who have been forcibly deprived of them by the aggressor nations.

"To foster the conditions in which the liberated peoples may exercise these rights, the three governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe where in their judgment conditions require (a) to establish conditions of internal peace; (b) to carry out emergency measures for the relief of distressed peoples; (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections.

"The three governments will consult the other United Nations and provisional authorities or other governments in Europe when matters of direct interest to them are under consideration.

"When, in the opinion of the three governments, conditions in any European liberated state or any former Axis satellite state in Europe make such action necessary, they will immediately consult together on the measures necessary to discharge the joint responsibilities set forth in this declaration.

"By this declaration we reaffirm our faith in the principles of the Atlantic Charter, our pledge in the Declaration by the United Nations,² and our determination to build in co-operation with other peace-loving nations world order under law, dedicated to peace, security, freedom and general well-being of all mankind.

"In issuing this declaration, the Three Powers express the hope that the Provisional Government of the French Republic may be associated with them in the procedure suggested."

III. DISMEMBERMENT OF GERMANY

It was agreed that Article 12 (a) of the Surrender Terms for Germany³ should be amended to read as follows:

¹ EAS 236, *ante*, p. 686.

² EAS 236, *ante*, p. 697.

³ A draft surrender instrument agreed upon in the European Advisory Commission July 25, 1944 (1945 For. Rel. (Conferences at Malta and Yalta) 110) was not used at the time of the actual surrender of Germany but was incorporated in large part into the declaration signed at Berlin June 5, 1945 (TIAS 1520, *post*, p. 1140), in which art. 13 corresponds to art. 12(a) of the draft.

"The United Kingdom, the United States of America and the Union of Soviet Socialist Republics shall possess supreme authority with respect to Germany. In the exercise of such authority they will take such steps, including the complete disarmament, demilitarisation and the dismemberment of Germany as they deem requisite for future peace and security."

The study of the procedure for the dismemberment of Germany was referred to a Committee, consisting of Mr. Eden (Chairman) [Secretary of State for Foreign Affairs, United Kingdom], Mr. Winant [American Ambassador at London] and Mr. Gousev [Soviet Ambassador at London]. This body would consider the desirability of associating with it a French representative.

IV. ZONE OF OCCUPATION FOR THE FRENCH AND CONTROL COUNCIL FOR GERMANY

It was agreed that a zone in Germany, to be occupied by the French Forces, should be allocated to France. This zone would be formed out of the British and American zones and its extent would be settled by the British and Americans in consultation with the French Provisional Government.

It was also agreed that the French Provisional Government should be invited to become a member of the Allied Control Council for Germany.

V. REPARATION

The following protocol has been approved:

1. Germany must pay in kind for the losses caused by her to the Allied nations in the course of the war. Reparations are to be received in the first instance by those countries which have borne the main burden of the war, have suffered the heaviest losses and have organised victory over the enemy.

2. Reparation in kind is to be exacted from Germany in three following forms:

a) Removals within 2 years from the surrender of Germany or the cessation of organised resistance from the national wealth of Germany located on the territory of Germany herself as well as outside her territory (equipment, machine-tools, ships, rolling stock, German investments abroad, shares of industrial, transport and other enterprises in Germany etc.), these removals to be carried out chiefly for purpose of destroying the war potential of Germany.

b) Annual deliveries of goods from current production for a period to be fixed.

c) Use of German labour.

3. For the working out on the above principles of a detailed plan for exaction of reparation from Germany an Allied Reparation Commission will

be set up in Moscow. It will consist of three representatives—one from the Union of Soviet Socialist Republics, one from the United Kingdom and one from the United States of America.

4. With regard to the fixing of the total sum of the reparation as well as the distribution of it among the countries which suffered from the German aggression the Soviet and American delegations agreed as follows:

“The Moscow Reparation Commission should take in its initial studies as a basis for discussion the suggestion of the Soviet Government that the total sum of the reparation in accordance with the points (a) and (b) of the paragraph 2 should be 20 billion dollars and that 50% of it should go to the Union of Soviet Socialist Republics.”

The British delegation was of the opinion that pending consideration of the reparation question by the Moscow Reparation Commission no figures of reparation should be mentioned.

The above Soviet-American proposal has been passed to the Moscow Reparation Commission as one of the proposals to be considered by the Commission.

VI. MAJOR WAR CRIMINALS

The Conference agreed that the question of the major war criminals should be the subject of enquiry by the three Foreign Secretaries for report in due course after the close of the Conference.

VII. POLAND

The following Declaration on Poland was agreed by the Conference:

“A new situation has been created in Poland as a result of her complete liberation by the Red Army. This calls for the establishment of a Polish Provisional Government which can be more broadly based than was possible before the recent liberation of the Western part of Poland. The Provisional Government which is now functioning in Poland should therefore be reorganised on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. This new Government should then be called the Polish Provisional Government of National Unity.

“M. Molotov, Mr. Harriman and Sir A. Clark Kerr [British Ambassador at Moscow] are authorised as a commission to consult in the first instance in Moscow with members of the present Provisional Government and with other Polish democratic leaders from within Poland and from abroad, with a view to the reorganisation of the present Government along the above lines. This Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates.

"When a Polish Provisional Government of National Unity has been properly formed in conformity with the above, the Government of the U.S.S.R., which now maintains diplomatic relations with the present Provisional Government of Poland, and the Government of the United Kingdom and the Government of the U.S.A. will establish diplomatic relations with the new Polish Provisional Government of National Unity, and will exchange Ambassadors by whose reports the respective Governments will be kept informed about the situation in Poland.

"The three Heads of Government consider that the Eastern frontier of Poland should follow the Curzon Line with digressions from it in some regions of five to eight kilometres in favour of Poland. They recognise that Poland must receive substantial accessions of territory in the North and West. They feel that the opinion of the new Polish Provisional Government of National Unity should be sought in due course on the extent of these accessions and that the final delimitation of the Western frontier of Poland should thereafter await the Peace Conference."

VIII. YUGOSLAVIA

It was agreed to recommend to Marshal Tito and to Dr. Subasic:

(a) that the Tito-Subasic Agreement should immediately be put into effect and a new Government formed on the basis of the Agreement.

(b) that as soon as the new Government has been formed it should declare:

(i) that the Anti-Fascist Assembly of National Liberation (AUNOJ) will be extended to include members of the last Yugoslav Skupstina who have not compromised themselves by collaboration with the enemy, thus forming a body to be known as a temporary Parliament and

(ii) that legislative acts passed by the Anti-Fascist Assembly of National Liberation (AUNOJ) will be subject to subsequent ratification by a Constituent Assembly;

and that this statement should be published in the communique of the Conference.

IX. ITALO-YUGOSLAV FRONTIER

ITALO-AUSTRIA FRONTIER

Notes on these subjects were put in by the British delegation and the American and Soviet delegations agreed to consider them and give their views later.

X. YUGOSLAV-BULGARIAN RELATIONS

There was an exchange of views between the foreign Secretaries on the question of the desirability of a Yugoslav-Bulgarian pact of alliance. The question at issue was whether a state still under an armistice regime could be

allowed to enter into a treaty with another state. Mr. Eden suggested that the Bulgarian and Yugoslav Governments should be informed that this could not be approved. Mr. Stettinius suggested that the British and American Ambassadors should discuss the matter further with M. Molotov in Moscow. M. Molotov agreed with the proposal of Mr. Stettinius.

XI. SOUTH EASTERN EUROPE

The British Delegation put in notes for the consideration of their colleagues on the following subjects:

- (a) the Control Commission in Bulgaria
- (b) Greek claims upon Bulgaria, more particularly with reference to reparations.
- (c) Oil equipment in Roumania.

XII. IRAN

Mr. Eden, Mr. Stettinius and M. Molotov exchanged views on the situation in Iran. It was agreed that this matter should be pursued through the diplomatic channel.

XIII. MEETINGS OF THE THREE FOREIGN SECRETARIES

The Conference agreed that permanent machinery should be set up for consultation between the three Foreign Secretaries; they should meet as often as necessary, probably about every three or four months.

These meetings will be held in rotation in the three capitals, the first meeting being held in London.

XIV. THE MONTREUX CONVENTION AND THE STRAITS

It was agreed that at the next meeting of the three Foreign Secretaries to be held in London, they should consider proposals which it was understood the Soviet Government would put forward in relation to the Montreux Convention and report to their Governments. The Turkish Government should be informed at the appropriate moment.

The foregoing Protocol was approved and signed by the three Foreign Secretaries at the Crimean Conference, February 11, 1945.

E. R. STETTINIUS, JR.
V. MOLOTOV
ANTHONY EDEN

CRIMEA (YALTA) CONFERENCE, 1945: GERMAN REPARATION

Protocol signed at Yalta February 11, 1945

1945 For. Rel. (Conferences at Malta
and Yalta) 982

PROTOCOL ON THE TALKS BETWEEN THE HEADS OF THE THREE GOVERNMENTS AT THE CRIMEAN CONFERENCE ON THE QUESTION OF THE GERMAN REPARATION IN KIND

The Heads of the three governments agreed as follows:

1. Germany must pay in kind for the losses caused by her to the Allied nations in the course of the war. Reparation is to be received in the first instance by those countries which have borne the main burden of the war, have suffered the heaviest losses and have organised victory over the enemy.

2. Reparation in kind is to be exacted from Germany in three following forms:

a) Removals within 2 years from the surrender of Germany or the cessation of organised resistance from the national wealth of Germany located on the territory of Germany herself as well as outside her territory (equipment, machine-tools, ships, rolling stock, German investments abroad, shares of industrial, transport and other enterprises in Germany etc.), these removals to be carried out chiefly for purpose of destroying the war potential of Germany.

b) Annual deliveries of goods from current production for a period to be fixed.

c) Use of German labour.

3. For the working out on the above principles of a detailed plan for exaction of reparation from Germany an Allied Reparation Commission will be set up in Moscow. It will consist of three representatives—one from the Union of Soviet Socialist Republics, one from the United Kingdom and one from the United States of America.

4. With regard to the fixing of the total sum of the reparation as well as the distribution of it among the countries which suffered from the German aggression the Soviet and American delegations agreed as follows:

“The Moscow Reparation Commission should take in its initial studies as a basis for discussion the suggestion of the Soviet Government that the total sum of the reparation in accordance with the points (*a*) and (*b*) of the paragraph 2 should be 20 billion dollars and that 50% of it should go to the Union of Soviet Socialist Republics.”

The British delegation was of the opinion that pending consideration of the reparation question by the Moscow Reparation Commission no figures of reparation should be mentioned.

The above Soviet-American proposal has been passed to the Moscow Reparation Commission as one of the proposals to be considered by the Commission.

WINSTON S. CHURCHILL
FRANKLIN D. ROOSEVELT
J. STALIN

FEBRUARY 11, 1945.

CRIMEA (YALTA) CONFERENCE, 1945: ENTRY OF SOVIET UNION INTO WAR AGAINST JAPAN

Agreement signed at Yalta February 11, 1945

59 Stat. 1823; Executive Agreement Series 498; 1945 For. Rel. (Conferences at Malta and Yalta) 984

AGREEMENT

The leaders of the three Great Powers—the Soviet Union, the United States of America and Great Britain—have agreed that in two or three months after Germany has surrendered and the war in Europe has terminated the Soviet Union shall enter into the war against Japan on the side of the Allies on condition that:

1. The status quo in Outer-Mongolia (The Mongolian People's Republic) shall be preserved;

2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz:

(a) the southern part of Sakhalin as well as all the islands adjacent to it shall be returned to the Soviet Union,

(b) the commercial port of Dairen shall be internationalized, the pre-eminent interests of the Soviet Union in this port being safe-guarded and the lease of Port Arthur as a naval base of the USSR restored,

(c) the Chinese-Eastern Railroad and the South-Manchurian Railroad which provides an outlet to Dairen shall be jointly operated by the establishment of a joint Soviet-Chinese Company it being understood that the preeminent interests of the Soviet Union shall be safeguarded and that China shall retain full sovereignty in Manchuria;

3. The Kuril islands shall be handed over to the Soviet Union.

It is understood, that the agreement concerning Outer-Mongolia and the ports and railroads referred to above will require concurrence of Generalissimo Chiang Kai-Shek. The President will take measures in order to obtain this concurrence on advice from Marshal Stalin.

The Heads of the three Great Powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated.

For its part the Soviet Union expresses its readiness to conclude with the National Government of China a pact of friendship and alliance between the U.S.S.R. and China in order to render assistance to China with its armed forces for the purpose of liberating China from the Japanese yoke.

February 11, 1945

J. STALIN
FRANKLIN D. ROOSEVELT
WINSTON S. CHURCHILL

INTER-AMERICAN RECIPROCAL ASSISTANCE AND SOLIDARITY (ACT OF CHAPULTEPEC)

*Resolution approved by the Inter-American Conference on Problems
of War and Peace at México March 6, 1945*¹

*Entered into force March 8, 1945*²

60 Stat. 1831; Treaties and Other
International Acts Series 1543

[TRANSLATION]

RECIPROCAL ASSISTANCE AND AMERICAN SOLIDARITY

WHEREAS:

The peoples of the Americas, animated by a profound love of justice, remain sincerely devoted to the principles of international law;

It is their desire that such principles, notwithstanding the present difficult circumstances, prevail with even greater force in future international relations;

The inter-American conferences have repeatedly proclaimed certain fundamental principles, but these must be reaffirmed at a time when the juridical bases of the community of nations are being re-established;

The new situation in the world makes more imperative than ever the union and solidarity of the American peoples, for the defense of their rights and the maintenance of international peace;

The American states have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

a) The proscription of territorial conquest and the non-recognition of all acquisitions made by force (First International Conference of American States, 1890);

¹ The provisions became obsolete in part on termination of World War II and were incorporated in part in the inter-American treaty of reciprocal assistance of Sept. 2, 1947 (TIAS 1838, *post*, vol. 4), and in part in the Charter of the Organization of American States (2 UST 2394; TIAS 2361).

² Date of signing of final act.

b) The condemnation of intervention by one State in the internal or external affairs of another (Seventh International Conference of American States, 1933,³ and Inter-American Conference for the Maintenance of Peace, 1936⁴);

c) The recognition that every war or threat of war affects directly or indirectly all civilized peoples, and endangers the great principles of liberty and justice which constitute the American ideal and the standard of American international policy (Inter-American Conference for the Maintenance of Peace, 1936);⁵

d) The system of mutual consultation in order to find means of peaceful cooperation in the event of war or threat of war between American countries (Inter-American Conference for the Maintenance of Peace, 1936);

e) The recognition that every act susceptible of disturbing the peace of America affects each and every one of the American nations and justifies the initiation of the procedure of consultation (Inter-American Conference for the Maintenance of Peace, 1936);

f) The adoption of conciliation, unrestricted arbitration, or the application of international justice, in the solution of any difference or dispute between American nations, whatever its nature or origin (Inter-American Conference for the Maintenance of Peace, 1936);

g) The recognition that respect for the personality, sovereignty and independence of each American State constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties in force (Eighth International Conference of American States, 1938);⁶

h) The affirmation that respect for and the faithful observance of treaties constitute the indispensable rule for the development of peaceful relations between States, and that treaties can only be revised by agreement of the contracting parties (Declaration of American Principles, Eighth International Conference of American States, 1938);

i) The proclamation that, in case the peace, security or territorial integrity of any American republic is threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, using the measures which in each case the circumstances may make advisable (Declaration of Lima, Eighth International Conference of American States, 1938);⁶

j) The declaration that any attempt on the part of a non-American state against the integrity or inviolability of the territory, the sovereignty or the

³ TS 881, *ante*, p. 145.

⁴ TS 923, *ante*, p. 343.

⁵ TS 922, *ante*, p. 338.

⁶ *Ante*, p. 534.

political independence of an American State shall be considered as an act of aggression against all the American States (Declaration XV of the Second Meeting of the Ministers of Foreign Affairs, Habana, 1940);

The furtherance of these principles, which the American States have constantly practised in order to assure peace and solidarity among the nations of the Continent, constitutes an effective means of contributing to the general system of world security and of facilitating its establishment;

The security and solidarity of the Continent are affected to the same extent by an act of aggression against any of the American States by a non-American State, as by an act of aggression of an American State against one or more American States;

PART I

The Governments Represented at the Inter-American Conference on Problems of War and Peace

DECLARE:

1. That all sovereign States are juridically equal among themselves.
2. That every State has the right to the respect of its individuality and independence, on the part of the other members of the international community.
3. That every attack of a State against the integrity or the inviolability of the territory, or against the sovereignty or political independence of an American State, shall, conformably to Part III hereof, be considered as an act of aggression against the other States which sign this Act. In any case invasion by armed forces of one State into the territory of another trespassing boundaries established by treaty and demarcated in accordance therewith shall constitute an act of aggression.
4. That in case acts of aggression occur or there are reasons to believe that an aggression is being prepared by any other State against the integrity or inviolability of the territory, or against the sovereignty or political independence of an American State, the States signatory to this Act will consult among themselves in order to agree upon the measures it may be advisable to take.
5. That during the war, and until the treaty recommended in Part II hereof is concluded, the signatories of this Act recognize that such threats and acts of aggression, as indicated in paragraphs 3 and 4 above, constitute an interference with the war effort of the United Nations, calling for such procedures, within the scope of their constitutional powers of a general nature and for war, as may be found necessary, including: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; breaking of postal, telegraphic, telephonic, radio-telephonic relations; interruption of economic, commercial and financial relations; use of armed force to prevent or repel aggression.

6. That the principles and procedure contained in this Declaration shall become effective immediately, inasmuch as any act of aggression or threat of aggression during the present state of war interferes with the war effort of the United Nations to obtain victory. Henceforth, and to the end that the principles and procedures herein stipulated shall conform with the constitutional processes of each Republic, the respective Governments shall take the necessary steps to perfect this instrument in order that it shall be in force at all times.

PART II

The Inter-American Conference on Problems of War and Peace

RECOMMENDS:

That for the purpose of meeting threats or acts of aggression against any American Republic following the establishment of peace, the Governments of the American Republics consider the conclusion, in accordance with their constitutional processes, of a treaty establishing procedures whereby such threats or acts may be met by the use, by all or some of the signatories of said treaty, of any one or more of the following measures: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; breaking of postal, telegraphic, telephonic, radio-telephonic relations; interruption of economic, commercial and financial relations; use of armed force to prevent or repel aggression.

PART III

The above Declaration and Recommendation constitute a regional arrangement for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action in this Hemisphere. The said arrangement, and the pertinent activities and procedures, shall be consistent with the purposes and principles of the general international organization, when established.

This agreement shall be known as the "Act of Chapultepec."

[The final act of the Inter-American Conference on Problems of War and Peace was signed on March 8, 1945, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]

INTER-AMERICAN SYSTEM: REORGANIZATION, CONSOLIDATION, AND STRENGTHENING

*Resolution approved by the Inter-American Conference on Problems of
War and Peace at México March 6, 1945*¹

*Entered into force March 8, 1945*²

60 Stat. 1847; Treaties and Other
International Acts Series 1548

[TRANSLATION]

REORGANIZATION, CONSOLIDATION AND STRENGTHENING OF THE INTER-AMERICAN SYSTEM

WHEREAS:

The inter-American system and the principles, instruments, agencies, and procedures that give it substance, constitute the living manifestation of the determination of the sovereign American Republics to act together for the fulfillment of their common purposes in the maintenance of peace and security and in the promotion of the well-being of their peoples;

The inter-American system is and has traditionally been inspired by a deep sense of universal cooperation;

The inter-American system, as an expression of the common ideals, the needs, and the will of the community of American Republics, should be further improved and strengthened for the purpose of adjusting and solving inter-American problems;

The inter-American system should, furthermore, maintain the closest relations with the proposed general international organization and assume the appropriate responsibilities in harmony with the principles and purposes of the general international organization,

The Inter-American Conference on Problems of War and Peace

RESOLVES:

1. That the International Conferences of American States shall meet ordinarily at four-year intervals and shall be the inter-American organ

¹ Such provisions as had not already become obsolete were incorporated in the Charter of the Organization of American States of Apr. 30, 1948 (2 UST 2394; TIAS 2361).

² Date of signing of final act.

entrusted with the formulation of general inter-American policy and the determination of the structure and functions of inter-American instruments and agencies. The next Conference shall meet in Bogotá in 1946.

2. The regular Meetings of the Ministers of Foreign Affairs shall be held annually upon special call by the Governing Board of the Pan American Union, unless there should be held in the same year an International Conference of American States pursuant to the preceding article. The next regular Meeting of the Ministers of Foreign Affairs shall be held in 1947.

The Meetings shall be charged with taking decisions on problems of great urgency and importance concerning the inter-American system and with regard to situations and disputes of every kind which may disturb the peace of the American Republics.

If, under exceptional circumstances, a Minister of Foreign Affairs should be unable to attend, he may be represented by a special delegate.

3. The Governing Board of the Pan American Union shall be composed of one *ad hoc* delegate designated by each of the American Republics, which delegates shall have the rank of Ambassadors and shall enjoy the corresponding privileges and immunities, but shall not be part of the diplomatic mission accredited to the government of the country in which the Pan American Union has its seat. This provision shall take effect at the expiration of the present period of sessions of the existing Board.

4. In addition to its present functions the Governing Board of the Pan American Union

a) Shall take action, within the limitations imposed upon it by the International Conferences of American States or pursuant to the specific direction of the Meetings of Ministers of Foreign Affairs, on every matter that affects the effective functioning of the inter-American system and the solidarity and general welfare of the American Republics;

b) Shall call the regular Meetings of Ministers of Foreign Affairs provided for in Paragraph 1 of Article 2 hereof, and special meetings, when they are requested, to consider exclusively emergency questions. In the latter case the call shall be made upon the vote of an absolute majority of the Board;

c) Shall supervise the inter-American agencies which are or may become related to the Pan American Union, and shall receive and approve annual or special reports from these agencies.

5. The Chairman of the Governing Board of the Pan American Union shall be elected annually and shall not be eligible for re-election for the term immediately following.

The Governing Board of the Pan American Union shall meet at least once each week.

The seat of the Pan American Union and of the Governing Board shall continue to be in Washington.

The Director General of the Pan American Union shall be chosen by the Governing Board for a term of ten years; he shall not be eligible for re-election, nor can he be succeeded by a person of the same nationality.

In the event of a vacancy in the office of Director General of the Pan American Union, a successor shall be appointed who shall hold office until the end of the term and who may be re-elected if the vacancy occurs during the second half of the term.

The first term shall begin on January 1, 1955.

The appointment and replacement of the Assistant Director shall be made in accordance with the above rules, except that the first term shall begin on January 1, 1960.

It is understood that the Governing Board may at any time, by vote of fifteen of its members, remove the Director General or the Assistant Director, on grounds relating to the efficiency of the organization.

6. Until the Ninth International Conference of American States, in accordance with the procedure provided hereinafter, creates or confirms the various agencies of the inter-American system, the following agencies created by the Meetings of Ministers of Foreign Affairs shall continue to function: The Inter-American Juridical Committee, the Emergency Advisory Committee for Political Defense, and the Inter-American Defense Board.

7. In place of the emergency agency now functioning as the Inter-American Financial and Economic Advisory Committee, there is hereby created a permanent Inter-American Economic and Social Council—subsidiary to the Governing Board of the Pan American Union—the members of which shall be designated by the respective Governments, and which shall be empowered:

- a) To carry out recommendations of the International Conferences of American States;
- b) To serve as the coordinating agency for all official inter-American economic and social activities;
- c) To promote social progress and the raising of the standard of living for all the American peoples;
- d) To undertake studies and other activities upon its own initiative or upon the request of any American government;
- e) To collect and prepare reports on economic and social matters for the use of the American Republics;
- f) To maintain liaison with the corresponding agency of the general international organization when established, and with existing or projected international economic and social agencies.

The Governing Board of the Pan American Union is authorized to organize provisionally the Inter-American Economic and Social Council. The permanent organization shall be established by the Ninth International Conference of American States.

8. The Division of Intellectual Cooperation of the Pan American Union shall be maintained for the purpose of strengthening by all means at its command the spiritual bonds between the American nations.

9. The Governing Board of the Pan American Union, availing itself of all Pan American agencies that it deems appropriate, is charged with preparing, beginning May 1, 1945, a draft charter for the improvement and strengthening of the Pan American system. The Governing Board shall submit the draft to the Governments of the Continent prior to December 31, 1945.

The draft charter shall first of all proclaim:

The recognition, by all the American Republics, of international law as the effective rule of their conduct and the pledge of those Governments to observe the standards enunciated in a "Declaration of the Rights and Duties of States" and a "Declaration of the International Rights and Duties of Man"; these shall serve as the definition of the fundamental principles of international law and shall appear as an annex to the charter, so that, without amending it, the Declarations may be revised from time to time to adapt them to the requirements and aspirations of international life.

For the preparation of the first Declaration, the principles already incorporated into the juridical heritage of the inter-American system shall be coordinated, especially those contained in the "Convention on the Rights and Duties of States" approved at the Seventh International Conference of American States;³ in the "Declaration of Principles of Inter-American Solidarity and Cooperation" adopted at the Inter-American Conference for the Maintenance of Peace;⁴ in the "Declaration of the Principles of the Solidarity of America,"⁵ and the "Declaration of American Principles" adopted at the Eighth International Conference of American States; in the "Declaration on the Maintenance of International Activities in Accordance with Christian Morality"⁶ and the declaration relative to "Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas,"⁷ approved at the First and Second Meetings of Ministers of Foreign Affairs, respectively; and in the Declarations on "Continental Solidarity in Observance of Treaties" and "The Good Neighbor Policy," adopted at the Third Meeting of Ministers of Foreign Affairs.⁸ The draft declaration on "Reaffirmation of Fundamental Principles of International Law" prepared by the Inter-American Juridical Committee, and any Declaration of Principles that may be adopted by this Conference, shall also be taken into account.

³ TS 881, *ante*, p. 145.

⁴ TS 922, *ante*, p. 338.

⁵ *Ante*, p. 534.

⁶ *Department of State Bulletin*, May 18, 1940, p. 542.

⁷ *Ibid.*, Aug. 24, 1940, p. 136.

⁸ *Ibid.*, Feb. 7, 1942, p. 132.

In regard to the second Declaration mentioned above, the text shall be that formulated by the Inter-American Juridical Committee in fulfillment of the request contained in another resolution of the present Conference.

It is the desire of the Inter-American Conference on Problems of War and Peace that there shall be taken into account the Inter-American Commission of Women, which for sixteen years has rendered eminent services to the cause of America and humanity, and that it be included among the organizations which form the Pan American Union, with the same prerogatives and position that have been accorded to other inter-American institutions of a permanent or emergency character that have functioned within or without the Pan American Union.

10. The draft charter shall provide for the strengthening of the inter-American system on the bases of this resolution and by the creation of new agencies or the elimination or adaptation of existing agencies, specifying and coordinating their functions as among themselves and with the world organization.

The draft shall take into account the need of accelerating the consolidation and extension of existing inter-American peace instruments and the simplification and improvement of the inter-American peace structure, and to this end the Governing Board of the Pan American Union shall utilize the services of the Inter-American Juridical Committee. In addition, the draft shall provide for the consolidation and simplification of all other inter-American instruments so that they may be more effective.

11. The American Governments shall send to the Governing Board of the Pan American Union prior to September 1, 1945, all their proposals relating to the preceding articles.

12. The draft charter shall also provide for the establishment of an equitable system for the financial support of the Pan American Union and of all its related agencies.

[The final act of the Inter-American Conference on Problems of War and Peace was signed on March 8, 1945, by delegates representing Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela.]

WAR TRADE BETWEEN SWITZERLAND AND THE AXIS POWERS

*Exchange of letters, with annexes, at Bern March 8, 1945, modifying
agreement of December 19, 1943,¹ as modified*

Entered into force March 8, 1945

1945 For. Rel. (V) 787

*The Heads of the American, French, and British Trade Delegations
to the Head of the Swiss Delegation*

BERNE, March 8, 1945

DEAR PROFESSOR RAPPARD: As a result of our recent negotiations we understand that the Swiss Government has taken the following decisions which will remain effective until the end of hostilities in Europe.

(1) The Swiss-German Trade Agreement which lapsed on 15th February 1945 will not be renewed.

(2) Swiss exports to Germany and German-controlled territory will not in any case exceed the limits set out in Annex I to this letter.

(3) The restrictions on transit between Germany and the German-occupied part of Italy already decided on by the Swiss Government will be maintained. These restrictions apply to coal, iron, scrap iron and steel which will not be allowed to pass through Switzerland either by rail or otherwise between Germany and the German-occupied part of Italy.

(4) In order to prevent the transit of looted property no goods will be allowed to pass through Switzerland by rail or otherwise from the German-occupied part of Italy to Germany until the Swiss authorities are satisfied that such goods have been legitimately acquired and are not property of which the Italian people have been deprived by any act of dispossession. It is understood that in each case the onus of proving that the goods in question have been legitimately acquired will rest upon the person who applies for transit facilities. In cases of doubt the Swiss Government will be prepared to consult with the Mixed Commission and will take into account any information which the Commission may be able to supply.

(5) Transit in either direction between Germany and the German-occupied part of Italy will not be permitted to exceed the level of February 1945

¹ *Ante*, p. 876.

either in total volume or to any significant degree in respect of any particular item, save insofar as variations may be agreed by the Mixed Commission.

(6) All practical measures have been taken and will continue to be taken to stop the export of Swiss electric power to Germany or to any territory under German control.

We also take note of your letter of today's date concerning the financial measures discussed between us and the measures to be taken regarding property held in Switzerland by nationals of other countries.

The Swiss Government has obtained or will immediately obtain the concurrence of the Government of Liechtenstein as far as such consent is necessary in order to make these measures effective.

We understand that it is the intention of the Swiss Government to co-operate with the United Nations in the general economic tasks involved in the reconstruction and relief of Europe and the orderly distribution of supplies throughout the world.

We also understand that the Swiss Government, when making purchases of any of the commodities now or subsequently appearing in Annex II of this letter will upon request of the appropriate Allied authorities make such purchases through Allied procurement agencies or in other manner requested; also that the Swiss Government will keep the Allied authorities informed regarding stocks of these commodities which Switzerland holds abroad and will not make purchases in amounts greater than those required for orderly shipment in the quantities indicated in Annex II.

The purpose of this arrangement is solely to avoid the disruption of markets which might result from excessive and disorganized buying of goods of which there is a scarcity. Our Governments do not intend to request co-ordination of purchases in this manner except in those instances where shortage of world supply clearly makes it necessary.

Our three Governments will immediately open import quotas to the amounts and under the conditions specified in Annex II of this letter.

Our three Governments are also prepared immediately to make available facilities for the transit of goods across France to Switzerland to the fullest extent compatible with the requirements of the Allied military forces in Western Europe and the civilian needs of France and other liberated countries. The conditions which will govern this traffic for the immediate future are set out in Annex III of this letter.

Except as modified by the present exchange of letters the Agreement of December 19, 1943, as subsequently modified remains effective.

On learning that this letter and its Annexes accurately sets forth the actions and intentions of the Swiss Government, the Government of the United States of America, the Provisional Government of the French Republic, and His Majesty's Government in the United Kingdom will be ready to regard this

letter and your reply as constituting a formal and binding agreement between the four Governments.

This letter has been written in English and French, both texts having the same validity.

Yours sincerely,

[For the United States:]	LAUCHLIN CURRIE
[For the Provisional Government of the	
French Republic:]	CHARQUÉRAUD
[For the United Kingdom:]	DINGLE FOOT

ANNEX I

1. The export to Germany of goods for which transfer guarantees were granted before March 1, 1945, will be limited to 3 million Swiss francs and will not exceed 1½ million Swiss francs in the month ending April 8, 1945. With the exception of the following special quotas there will be no exports of commodities which appear on the attached list ² referred to in paragraph 5 below:

M 6	200'000 francs
753/6	30'000 "
956a/f	50'000 "
Mdy	200'000 "

2. The export to Germany of goods for which transfer guarantees may be granted on or after March 1, 1945, will be limited to 50% by value of the imports from Germany of the following: foodstuffs and fodder; fertilizer; leather; seeds; staple fibre; artificial silk and staple fibre yarn; clay for pottery; electrodes; coal, coke and briquettes; iron and steel and semi-manufactures thereof; zinc; machinery and apparatus; raw materials for chemicals (including tar, pitch and resin); petroleum products.

3. The exports referred to in paragraph 2 above will be spread over the various tariff groupings and will not exceed one million Swiss francs in any one month. The Mixed Commission will be kept informed of the placing of any German orders for unusual quantities of goods.

4. There shall be no exports to Norway while that country remains occupied by Germany, and there shall be no exports to Denmark of goods listed in Annex I to the Agreement of December 19, 1943, without the prior concurrence of the Mixed Commission.

5. List A of the War Trade Agreement of April 1940 is cancelled and replaced by the attached list of goods, the export of which to Germany and German-occupied territories is prohibited.

6. There shall be no increase in exports to Germany or other Axis territories as a result of the granting of import facilities for industrial materials.

BERNE, March 8, 1945.

² Not printed.

ANNEX II

Attached is a list of "reserved" commodities,² showing the quantities which will be available to Switzerland from all sources on a pro rata basis until the end of hostilities in Europe and three months thereafter, when the position will be reviewed. Generally speaking, the balances from the 1944 allocations and quotas that remained unshipped or unauthorised by the 10th January 1945 will be counted against the amounts shown on the list. Special cases, however, when this causes hardship, will be examined on request of the Swiss Government. The list will be under continuous review by the Allied supply authorities and subject to alteration both as to quantities and as to the actual commodities appearing on the list, but everything possible will be done to see that a fair share of these supplies is available. Further if the supply situation in regard to scarce commodities should materially improve, the Allied supply authorities will be ready to examine whether any increase or addition to the allocations will be possible. Furthermore the Allied Delegations will immediately take up with the Allied supply authorities the requests listed in column 3 (additional or new requirements) and in particular do their utmost to make available the goods mentioned as having first priority. The Swiss Government will be informed as soon as possible of these additional quotas. Shipments will not necessarily be restricted to quarterly or six-monthly amounts but decision in this respect will depend on supply considerations. Shipments of commodities not appearing on the Reserved Commodity List will not be restricted by quotas or allocations.

BERNE, March 8, 1945.

ANNEX III

Under the conditions existing at present it is anticipated that the following rail facilities will be available:

(1) Three trains a day in each direction, of approximately 600 tons each, from Cerbère to Switzerland by the line on the right (west) bank of the Rhône,

(2) Two trains a day in each direction, of approximately 200 tons each, from Toulon to Switzerland by the Alpine route. The S.N.C.F. [Société Nationale des Chemins de Fer Français] may at any time direct all or part of this tonnage to the line on the left (east) bank of the Rhône.

It is understood that these facilities will be used primarily for the transportation of goods of prime necessity for Switzerland or for raw materials required by Swiss export industries. It is also understood that these trains may be used for the export of Swiss goods.

These transit facilities will be increased as rapidly as conditions permit.

Necessary facilities in the port of Toulon will be made available for use by Swiss vessels.

It is understood that the Swiss Federal Railways will make available to the S.N.C.F. an appropriate number of steam locomotives for this transit. A specific agreement to this end, including the dates at which the locomotives will become available, will be made between the two railway administrations. The Swiss Federal Railways will also furnish the necessary rolling stock. The fuel required for this traffic will be deposited by the Swiss Government at one or more locations to be agreed.

The traffic will be subject to such control measures as may be deemed necessary by the Provisional Government of the French Republic. As a means of reducing the number of control measures that need be applied in France, the Swiss Government agrees to the presence in Switzerland of an Allied official to lend his assistance to the competent Swiss authorities for the control of this traffic.

BERNE, March 8, 1945.

*The Head of the Swiss Delegation to the Heads of the American, French,
and British Trade Delegations*

BERNE, March 8, 1945

GENTLEMEN: I thank you for your letter of today and wish to confirm that your communication accurately sets forth the intentions of the Swiss Government and the undertakings which they agree to give. I further confirm that your letter together with the present acknowledgement will be regarded by the Swiss Government as constituting a formal and binding agreement between our four Governments.

Yours sincerely,

RAPPARD

WAR TRADE BETWEEN SWITZERLAND AND THE AXIS POWERS: RED CROSS

*Exchange of letters at Bern April 5, 1945, amending agreement of
December 19, 1943*

Entered into force April 5, 1945

Department of State files

*The Commercial Counsellor of the British Legation in Switzerland and the
Counselor for Economic Affairs of the American Legation in Switzerland
to the Director of the Division of Commerce of the Federal Department of
Public Economy of Switzerland*

BERNE, April 5th, 1945

DEAR DOCTOR HOTZ, His Majesty's Government in the United Kingdom and the United States Government have considered the proposal for the amendment of Clause 9 to the Agreement of December 19th, 1943,¹ and have approved the following amended text:

"Exports effected by the International Red Cross Committee or the Joint Relief Commission of the International Red Cross and League of Red Cross Societies will be regulated in the following manner:

a) In the case of goods consigned to the above-mentioned organizations through Allied control for re-forwarding from Switzerland, any variation in the final destination must be approved by the United States and British Representatives on the Mixed Commission.

b) Goods other than those specified under section (a) for which the Swiss Government is prepared to issue export licenses for all destinations will be submitted by the Swiss Government to the United States and British Representatives on the Mixed Commission in Berne or to their nominees prior to export or re-export. The applications will be examined in a spirit of full understanding for the humanitarian aims of the Red Cross and will be handled informally in as expeditious a manner as possible.

c) The British and United States Legations are being given widest discretion to approve relief exports.

¹ *Ante*, p. 876.

d) Provisionally and experimentally, all exports made by the above-mentioned organizations will be regarded as coming outside the Swiss quotas under the War Trade Agreement. His Majesty's Government and the United States Government, however, reserve the right to demand a limitation of these exports particularly of products to particular destinations at any time that it may be considered necessary or desirable.

e) The Swiss Government will undertake to furnish both His Majesty's Government and the United States Government with monthly statistics of Red Cross exports."

With reference to the Commercial Counsellor's letter of the 16th November last, your letter of the 20th November and to the meeting held on the 23rd December, it is agreed that sub-paragraph (b) of Clause 9 shall be interpreted, as proposed by the International Red Cross Committee and the other organizations referred to in the opening sentence of the Clause and accepted by the Swiss Government, as follows:

"His Majesty's Government and the United States Government will

i) refuse their consent to the onward shipment to Germany of any goods imported through their controls;

ii) object to goods of Swiss origin being supplied to anyone in Germany, except

1) invalids, nursing and expectant mothers, small children and persons too old to contribute to the German war effort,

2) victims of exceptional disasters, such as an epidemic, who will receive immediate consideration in the spirit of Clause 9, paragraph (b), of the Agreement;

iii) expect detailed accounts of any distribution effected in Germany."

Yours sincerely,

[For the United Kingdom:] W. J. SULLIVAN

[For the United States:] DANIEL J. REAGAN

The Director of the Division of Commerce of the Federal Department of Public Economy of Switzerland to the Commercial Counsellor of the British Legation in Switzerland and the Counselor for Economic Affairs of the American Legation in Switzerland

BERNE, 5th April, 1945

DEAR MR. SULLIVAN AND MR. REAGAN, I thank you for your letter of today concerning the amendment to Clause 9 of the Agreement of December 19th, 1943, and wish to confirm that the new text contained therein and

the interpretation given thereto, set forth the intentions of the Swiss Government in the matter of the control of exports by the International Red Cross Committee, the Joint Relief Commission of the International Red Cross and the League of Red Cross Societies.

I further confirm that your letter with the present acknowledgement will be regarded as an integral part of the Agreement of December 19th, 1943, between our three Governments.

Yours sincerely,

J. HOTZ

WARTIME SUPPLIES FOR SOVIET UNION

*Ottawa protocol (fourth protocol) signed at Ottawa April 17, 1945¹
Operative July 1, 1944, to June 30, 1945
Expired June 30, 1945*

Department of State, *Soviet Supply Protocols* (U.S. Government Printing Office, 1947), p. 87

FOURTH PROTOCOL

The Government of the United States, the Government of the United Kingdom and the Government of Canada recognizing the outstanding contribution of the Union of Soviet Socialist Republics in the prosecution of the war against the common enemy, and desiring to continue to provide the Government of the Union of Soviet Socialist Republics with the maximum assistance possible in meeting its war needs in the form of military supplies, raw materials, industrial equipment and food, and the Government of the Union of Soviet Socialist Republics desiring to assist the Governments of the United States, the United Kingdom and Canada in meeting their war needs for raw materials and other supplies, have agreed as follows:

ARTICLE I

The Governments of the United States, the United Kingdom and Canada, undertake to make available for dispatch to the Government of the Union of Soviet Socialist Republics the supplies mentioned in the schedules annexed hereto under the conditions stated therein.

ARTICLE II

The Governments of the United States and the United Kingdom will aid in the movement of the supplies offered, by furnishing shipping as set forth in the schedules annexed hereto, it being understood that these commitments as to shipping may be reduced if shipping losses, lack of escorts, deficiencies in the anticipated capacity of the available routes, the necessities of other operations, or the exigencies of the situation render their fulfillment impracticable.

¹ For text of London protocol (third protocol) signed Oct. 19, 1943, see *ante*, p. 785.

ARTICLE III

The Government of the Union of Soviet Socialist Republics undertakes to make available to the Governments of the United States, the United Kingdom and Canada, within the period covered by the present Protocol, such raw materials, other supplies and services as may be available and as are desired by said Governments in the prosecution of the war.

ARTICLE IV

The financial arrangements concluded between the Government of the Union of Soviet Socialist Republics and the Government of the United States in connection with supplies furnished in pursuance of the present Protocol may be in accordance with the terms and conditions of the Master Lend-Lease Agreement of June 11, 1942,² and with the terms and conditions of any amendment to said agreement which may hereafter be concluded by mutual agreement or the Government of the Union of Soviet Socialist Republics may elect to purchase from the United States schedules of supplies for cash.

The financial arrangements between the Government of the Union of Soviet Socialist Republics and the Government of Canada in connection with the supplies to be furnished by the Government of Canada in pursuance of the present Protocol shall be in accordance with the terms and conditions of the Mutual Aid Agreement of February 11, 1944, between the two Governments for such supplies as the Government of Canada may authorize under Articles I and III thereof, and for other supplies shall be in accordance with the terms and conditions of special agreements or understandings between the two Governments.

The financial arrangements under which supplies will be furnished by the Government of the United Kingdom to the Government of the Union of Soviet Socialist Republics in pursuance of this Protocol, shall be in accordance with the terms and conditions of the cash-credit agreement of the 16th August 1941, for civil supplies, and the agreement of the 27th June 1942, governing military supplies, or with the terms and conditions of any amendments to the said two agreements which may hereafter be concluded by mutual consent.

ARTICLE V

The lists of supplies in the schedules annexed hereto shall be subject to reallocation among the three supplying countries as they may decide among themselves in order to meet strategic, supply, or shipping exigencies. The lists of supplies shall also be subject to review and variation by the three supplying countries in the event of major changes in the war situation. If shipping losses, production failures, or the necessities of other operations render the fulfill-

² EAS 253, *post*, U.S.S.R.

ment of the schedules prohibitive, it may be necessary to reduce them or to make diversions therefrom. On the other hand, if conditions permit, the Governments of the United States, the United Kingdom and Canada, will be glad to review the schedules from time to time for the purpose of increasing the quantities to be provided and delivered.

In witness whereof the undersigned, duly authorized by their respective Governments, have signed the present Protocol.

Done in Ottawa in quadruplicate on the 17th day of April, 1945, in the English language.

For the Government of the United
States of America:
RAY ATHERTON

For the Government of Canada:
W. L. MACKENZIE KING
J. L. ILSLEY

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
MALCOLM MACDONALD

For the Government of the Union of
Soviet Socialist Republics:
G. ZARUBIN

UNITED STATES SCHEDULES OF SHIPPING AND SUPPLIES

Shipping

Subject to the provisions of Article II of this Protocol, the Government of the United States undertakes to aid the Government of the Union of Soviet Socialist Republics in the shipment from the Western Hemisphere to the Union of Soviet Socialist Republics during the Protocol period of a minimum of 5,700,000 short tons of supplies, 2,700,000 short tons to be shipped via the Pacific route and 3,000,000 short tons to be shipped via the Atlantic routes.

In addition to the 5,700,000 short tons committed above the Government of the United States undertakes to aid the Government of the Union of Soviet Socialist Republics in the shipment of such material as can be made available to meet the requirements of a list of supplies submitted to the Government of the United States by the Government of the Union of Soviet Socialist Republics on October 17, 1944.

The above undertakings are intended to provide shipping from the Western Hemisphere for all supplies including supplies furnished by the Governments of the United States, the United Kingdom, and Canada and all relief supplies.

To insure accomplishment of the above objective, the Government of the United States undertakes to supplement the Soviet Flag shipping which is presently employed in the Pacific route to the extent necessary to maintain shipments at an average rate of 225,000 short tons a month, with the understanding that the Government of the Union of Soviet Socialist Republics

will use its best efforts in achieving the shortest possible turn-around in the Pacific trade which is consistent with prudent operation. It is further understood that should untoward events preclude or restrict the use of the Pacific route by the U.S.S.R., the United States shipping transferred to the Soviet Flag for employment on this route will be utilized on other routes from the Western Hemisphere to the U.S.S.R.

The Government of the United States undertakes to provide the shipping for movement by such Atlantic routes as may be available of an average of 250,000 short tons a month, provided such capacity proves to be available to the United States. The above undertaking for shipment by Atlantic routes is considered by the Government of the United States to be a minimum and, if conditions permit, every effort will be made to exceed this minimum.

In addition to the foregoing undertaking for ocean shipment, the Government of the United States will aid the Government of the Union of Soviet Socialist Republics in the movement through the Persian Corridor of Petroleum products originating in the Persian Gulf area in an amount not to exceed 350,000 short tons.

Supplies

The Government of the United States will make available for shipment to the Government of the Union of Soviet Socialist Republics during the period of this Protocol, July 1, 1944 to June 30, 1945, from supplies made available under the Third Protocol but unshipped on July 1, 1944, and from quantities to be made available under this Protocol a minimum of 5,944,000 short tons of supplies as set forth in Annex I provided the quantities of specific items to be made available do not exceed the quantities of specific items offered in Annex II.

In addition to the supplies referred to above to be made available to the Union of Soviet Socialist Republics, the Government of the United States will endeavour to make available under the terms of this Protocol such additional material set forth in the list of supplies submitted to the Government of the United States by the Government of the Union of Soviet Socialist Republics on October 17, 1944 as can be provided within the limits of available resources. (To be designated after agreement on specifications as Annex III.)

Except as otherwise specified quantities will be made available at points of origin in the United States and as nearly as practicable in equal monthly installments. However, the Government of the United States reserves the right to make available from sources outside the United States such supplies as may be necessary to provide the specific items desired by the Government of the Union of Soviet Socialist Republics for delivery under this Protocol. The conditions under which specific items will be made available will be in accord-

ance with the conditions of the offerings in Annex II forming a part of this Protocol.

Undertakings as to supplies are subject to the provisions hereinafter contained relative to stockpiles and specifications.

Stockpiles

While the need for reasonable stockpiles of supplies in the United States is appreciated, it is also recognized that the accumulation of excessively large stockpiles of supplies is not consistent with the most effective utilization in the common cause of production facilities and supplies of raw materials. Accordingly, it will be necessary for the Government of the United States to limit the size of individual stockpiles either by control of production, by diversion of product, or by repossession, when in its judgment such action is in the best interest of the common cause. In taking such action, the Government of the United States will give due consideration to the expressed needs of the U.S.S.R.

Specifications

In order to produce and make available within the period of this Protocol the quantities of specific items desired by the Government of the Union of Soviet Socialist Republics, it is essential that specifications for such items be of such a nature and be submitted within such time as to adapt themselves to United States production policies and methods. In this connection, the United States stands ready to provide all possible information and assistance to the representatives of the Government of the U.S.S.R.

Arrearages

In the event of arrearages in the various items, the United States will, subject to shipping capabilities, the needs of the Soviet Government, other urgent war requirements and feasible production schedules, give all possible consideration to overcoming such arrearages.

General

The United States stands ready, through appropriate officials, to discuss with Soviet representatives in Washington all detailed questions pertaining to the schedule of shipping and supplies and any reasonable adjustments that may be desired.

It is desired to emphasize that the Government of the United States is not only willing but is very anxious to render the assistance outlined. The Soviet Government may rest assured that the provisions described in Articles II and V of this Protocol will not be invoked by the Government of the United States unless developments definitely require it and, then only, after due consideration is given to the needs of the U.S.S.R.

Above all, the United States desires again to assure the Union of Soviet Socialist Republics that it has a full understanding of the vital importance of the Soviet front and the urgent necessities of moving supplies to it in the highest possible volume and in the shortest space of time.

ANNEX I

Group I.—Aircraft and Aircraft Equipment

61,000 short tons shipping weight and aircraft to be flight-delivered.

Group II.—Military Supplies

1,441,000 short tons shipping weight.

Group III.—Naval and Marine Supplies

48,000 short tons shipping weight and vessels proceeding under their own power.

Group IV.—Foodstuffs and Related Products

1,602,000 short tons shipping weight.

Group V.—Machinery and Equipment

443,000 short tons shipping weight.

Quantities to be made available will be from the following offerings in Group V of Annex I:

Old orders undelivered from factories as of June 30, 1944, estimated at \$126,517,000 and \$223,229,000 of orders authorized during the Third Protocol period for delivery during the Fourth Protocol period in accordance with Group V, paragraph I	\$349, 746, 000
New orders to be placed during the Fourth Protocol period in accordance with Group V, paragraph II	\$300, 900, 000
New orders to be placed in accordance with Group V, paragraph III	\$481, 807, 000

Group VI.—Other Materials and Products

2,349,000 short tons shipping weight.

ANNEX II

Specific items requested by the Government of the Union of Soviet Socialist Republics which may be made available during the period July 1, 1944, to June 30, 1945, in equal monthly installments, at points of origin in the United States unless otherwise specified. Quantities include supplies from all requisitions, assignments or other procurement authorizations unfilled on June 30, 1944:

Due to changes in supply arrangements occasioned by the selections made by the Soviet Government in its note directed to the Secretary of State, dated

October 30, 1944, the quantities of specific items to be made available will be limited to the quantities required to meet these selections. However, such quantities may be increased from time to time as circumstances permit.

S.W.—Shipping weight packed for export.

N.W.—Net weight.

All tons are short tons of 2,000 lbs. each.

Group I.—Aircraft and Aircraft Equipment

U.S.

Ref. No.

I-1A1&A4 Pursuit Planes P-39 or P-63

Request: 2,450

(I A&M 1 part)

Offer: 2,450

For flight-delivery

2,400 from U.S.

50 from North African Theatre

I-1C Medium Bombers B-25

Request: 600

(I A&M 1 part)

Offer: 300

For flight-delivery

I-1D1 Heavy Bombers B-17

Request: 240

(I A&M 1 part)

Offer: 0

I-1D2 Heavy Bombers B-24

Request: 300

(I A&M 1 part)

Offer: 0

I-1E2 Transport Planes C-47

Request: 360

(I A&M 1 part)

Offer: 240

For flight-delivery

I-1E1 or E3 Transport Planes C-46 or C-57

Request: 120

(I A&M 1 part)

Offer: 0

I-1F Flying Boats

Request: 120

(I A&M 1 part)

Offer: 30

(60 additional will be supplied if conditions permit)

For flight-delivery

I-2 Spare Parts for Aircraft Furnished

Request: Spare engines and propellers—30% of those installed on planes.

(I A&M 1 part)

Airplane spare parts—20% of value of planes

Engine spare parts—15% of value of plane

Propeller spare parts—15% of value of propeller.

Offer: Spare parts will be supplied in accordance with U.S. Army standards which are in general equal to or in excess of amounts requested.

10,776 tons S.W.

U.S.

Ref. No.

I-6B Airplane Landing Mats

Request: 16,000,000 square feet

(Supplementary)

Offer: 16,000,000 square feet in first half (Seq. Rec. No. 5577)

8,000,000 sq. ft. Bar and Rod type

8,000,000 sq. ft. Pierced plank type

36,600 tons S.W.

Group II.—Military Supplies

II-1A2 Medium Tanks

Request: 3,173

(I A&M 2)

Offer: 3,173, M4A2

1,537 in first half

1,636 in second half

96,142 tons S.W.

II-2A Field Repair Trucks

Request: 222

(I A&M 3 part)

Offer: 222

82—2½ ton 6x6 small arms repair with signal repair load.

41 in first half

41 in second half

140—trucks, Couse type, field repair shops—in second half.

1,347 tons S.W.

II-2C Tank Transporters

Request: 952

(I A&M 3 part)

Offer: 400—40 tons (with trailers) in second half

10,603 tons S.W.

II-3A1 Jeeps (¼ ton 4x4 trucks)

Request: 9,683—Spare parts 20% of "Jeep"

(I A&M 4)

Offer: 9,300—truck ¼ ton 4x4 command in first half

9,270 tons S.W.

II-3B1 Trucks, ¾ ton

Request: 28,144

(I A&M 3 part)

Offer: 16,000 4x4 weapons carriers

4,800 in first half

11,200 in second half

41,304 tons S.W.

II-3B2 Trucks, 1½ ton

Request: 41,821

(I A&M 3 part)

Offer: 41,436

16,000 4x2 in first half

25,436 4x4

16,292 in first half

9,144 in second half

159,276 tons S.W.

II-3B3 Trucks, 2½ ton

Request: 79,790

(I A&M 3 part)

Offer: 73,560

30,000—6x4

14,473 in first half

15,527 in second half

43,560—6x6

19,157 in first half

24,403 in second half

434,787 tons S.W.

U.S.

Ref. No.

II-3B4 Trucks, 2½ ton Amphibian

Request: 1,200

(I A&M 3 part)

Offer: 300 in first half

2,700 tons S.W.

II-3C Trucks—5 ton and over

Request: 1,140

(I A&M 3 part)

Offer: 1,040

12,403 tons S.W.

240—6 or 7½ ton prime mover in second half

700—10 ton 6x4 (Mack) in second half

100—5-6 ton 4x4 cargo fwd-su (for mounting compressors) in second half

II-3D Trucks, Special Purpose

Request: 3,270

(I A&M 3 part)

Offer: 1,700

13,630 tons S.W.

1,500—4 ton or 5 ton dump

320 in first half

1,180 in second half

100—Snow-plows, rotary type gasoline engine driven, on 6 ton 6x6 truck mounting—in first half

100—5 ton 4x6 dump trucks in second half

II-31 Truck-Tractors With Trailers

Request: 1,275

(I A&M 3 part)

Offer: 1,275

11,253 tons S.W.

1,200—2½ ton 6x4 tractors with 7 ton semi-trailers

400 in first half

800 in second half

50—20 ton 6x4 tractors with Freuhauf T-88 semi-trailers with Gar Wood side dump bodies

25 in first half

25 in second half

25—20 ton 6x4 tractors with Freuhauf T-88 semi-trailers with Gar Wood end dump bodies

10 in first half

15 in second half

II-4A1 Motorcycles

Request: 12,000

(I A&M 7)

Offer: 12,000 Solo—U.S. standard

3,150 tons S.W.

6,969 in first half

5,031 in second half

II-4B1 Tractors (artillery prime movers)

Request: 5,000—4,000 medium

1,000 heavy

Spare parts 20% of value of item

Offer: 2,400

7,920 tons S.W.

360 Class II Heavy in first half

840 Class III Medium in first half

360 Class II Heavy in second half

840 Class III Medium in second half

- U.S.
Ref. No.
- II-4B3 Engines for Tractors
Request: 4,000 GMC 4/71
(I A&M 6)
Offer: 2,000 GMC 4/71 2,746 tons S.W.
450 in first half
1,550 in second half
- II-5A1 A.A. Guns, 90 mm
Request: 240
(I A&M 10)
Offer: 240 complete with searchlights and fire control equipment 4,207 tons S.W.
but not including electronic gun-laying sets in first half
192—M1A1
48—M2
- II-5H Ammunition
Request: 2,000 shells for each anti-aircraft gun
(I A&M 14)
4 sets for each tank
15 sets for each plane
Offer: Requests will be met in full except shells for 90 mm guns 62,938 tons S.W.
which can be supplied up to 1,650 rds. per gun
- II-5K Howitzer, 240 mm
Request: 2
(Supplementary)
Offer: 2—M1 on carriage M1—in second half 90 tons S.W.
- II-5L Gun, 8"
Request: 2
(Supplementary)
Offer: 2—M1 on carriage M2—in second half 32 tons S.W.
- Spare Parts for Ordnance Materiel
Spare parts will be furnished in all instances in accordance with
U.S. Army standards
- Estimated Tonnage of Replenishment
- Spares for Ordnance Materiel
To be furnished during Protocol period 20,000 tons S.W.
- II-6A1 Smokeless Powder
Request: 89,985 tons
(I A&M 11 part)
Offer: 65,000 tons N.W. 78,000 tons S.W.
30,000 tons 3 in.
15,000 tons in first half
15,000 tons in second half
26,000 tons 90 mm
13,000 tons in first half
13,000 tons in second half
9,000 tons .30 cal.
4,500 tons in first half
4,500 tons in second half
- II-6A2 Stick Powder (solventless propelling)
Request: 7,500 tons
(I A&M 11 part)
Offer: 0

- U.S.
Ref. No.
- II-6B T.N.T.
Request: 65,000 tons
(I A&M 13)
Offer: 60,000 tons N.W. 68,400 tons S.W.
30,000 tons in first half
30,000 tons in second half
- II-6C Dynamite (including Ammonite)
Offer: 11,608 tons N.W. 13,350 tons S.W.
5,804 tons in first half
5,804 tons in second half
- II-6F Detonators, Blasting Supplies, etc.
Offer: \$3,248,000 691 tons S.W.
\$2,818,000 (62,630,000 ft.) blasting fuse in first half
\$160,000 (6,415,000 ft. detonating cord) in first half
\$270,000 (20,000,000 blasting caps) in first half
- II-7A2 Radio Stations Over 1 KW
Request: 191
(I A&M 15-1)
Offer: 153 14,851 tons S.W.
4—50 KW shortwave
1 in first half
3 in second half
30—15 KW
10 in first half
20 in second half
20—7.5 KW in second half
99—3 KW
39 in first half
60 in second half
- II-7B2 Radio Stations 1 KW and under
Request: 12,100
(I A&M 5—2)
Offer: 12,100 7,409 tons S.W.
1,000 SCR-399
600 in first half
400 in second half
4,000 SCR-284 in first half
3,300 SCR-274N, aircraft
1,300 in first half
2,000 in second half
200 SCR-177B
150 in first half
50 in second half
3,600 Pilot V-100B
600 in first half
3,000 in second half
- II-7C2 Radio Receivers
Request: 2,600
(I A&M 15—5)
Offer: 2,600 398 tons S. W.
400—RCA DR-89
50 in first half
350 in second half
1,200—National HRO in second half
500—Federal 128-A in second half
500—SP-210-X or SCR-244 in second half

U.S.

Ref. No.

II-7D1 Radio Locators—Marine

Request: 250

(I A&M 15—6 part)

Offer: Under study

II-7D2 Radio Locators—Ground

Request: 220

(I A&M 15—6)

Offer: 196 units

2,542 tons S. W.

98 AN/TPS-3 (with IFF-AN/TPX-3) in first half

4* SCR 271 DA in first half

21* SCR 527 in first half

13* SCR 627 in first half

60 SCR 545 in first half

*Together with 15 filter centres AN/TTQ-1.

II-7D3 Radio Locators, Aircraft

Request: 500

(I A&M 15—6 part)

Offer: Under study

II-7E Radio Direction Finders

Request: 277

(I A&M 15—4)

Offer: 200 SCR—551 with power supply SCR—169

720 tons S. W.

195 in first half (40 delivered in Third Protocol)

5 in second half

II-7F Radio Altimeters

Request: 2,000

(I A&M 15—7)

Offer: 300

12 tons S. W.

50—SCR 718 in first half

250—AN/APN-1 in first half

Additional offering will be considered upon receipt of specifications.

II-7G Radio Beacons

Request: 50

(I A&M 15—8)

Offer: Under study

518 tons S.W.

II-7H Radio Tubes

Request: 5,000,000

(I A&M 15—9)

Offer: 5,000,000

2,500,000 in first half

2,500,000 in second half

Subject to availability of specific types.

II-7I & J Radio Component Parts and Accessories and Radio Measuring and Testing Equipment

Request: \$3,600,000

(I A&M 15—10)

Offer: \$3,438,000

1,000 tons S.W.

\$1,000,000 in first half

\$2,438,000 in second half

- U.S.
Ref. No.
- II-7K Radio Compasses
Request: 1,200
(Supplementary)
Offer: 1,200 35 tons S.W.
1,000 MN-26C in first half
200 SCR-269G in first half
- II-8A Road and Airport Construction Equipment
Request: 1,438 units (\$7,368,500)
(I A&M 8 & 9 parts)
Offer: 670 units (\$2,925,000) 6,140 tons S.W.
200 units (\$800,000) road rollers, gasoline engine driven, tandem 2 wheel, 5-8 ton, in second half.
100 units (\$565,000) road rollers, gasoline engine driven, 3 wheel 10 ton, in second half.
100 units (\$350,000) road rollers, 3½-5 ton and/or 5-8 ton 50 in first half
50 in second half
60 units (\$300,000) road rollers, gasoline, steam or diesel, 10 ton or over, new or reconditioned tandem, either 2 or 3 wheel.
30 in first half
30 in second half
100 units (\$750,000) road graders, motorized (moldboard, 12') gasoline or diesel in second half.
200 units (\$160,000) plow, snow, "V" type w/o trucks 150 in first half
50 in second half
- II-8B Tractor Mounted Construction Equipment
Request: 208 (\$2,404,000)
(I A&M 8 part)
Offer: 150 units (\$1,605,000) tractors Class II with dozer 525 tons S.W.
25 in first half
125 in second half
- II-8C Mixers and Pavers, Bituminous and Concrete
Request: 372 units (\$2,594,000)
(I A&M 8)
Offer: 348 units (\$1,994,000) 4,982 tons S.W.
160 units (\$896,000) distributor, bituminous material, trailer mounted, 1250 gallon.
40 in first half
120 in second half
12 units (\$300,000) mixer, asphalt, self-propelled, gasoline or diesel engine driven, with spreader-finisher unit, Jaeger Model MP-2, in second half.
40 units (\$100,000) heater, asphalt, trailer-mounted, 2 car, 28 H.P.
15 in first half
25 in second half
100 units (\$81,000) spreader, aggregate, towed type, traction-powered, 8' width w/o truck, in second half
33 units (\$594,000) mixer, asphalt, gasoline engine driven, semi-trailer mounted with pneumatic tires, 15-30 tons per hour, Barber-Green Model 841, in second half.
3 units (\$23,000) finisher, asphalt, crawler-mounted, 12 ft., Barber-Green Model No. 879A, in second half.

U.S.

Ref. No.

II-9A1 Steam Locomotives, R. R.

Request: 1,564 (\$139,360,000)

(III 1)

Offer: 1,585 (\$139,010,000)

201,404 tons S.W.

1,499—2-10-0, 105 ton 60" ga. includes 99 units repossessed during Third Protocol period.

1,050 in first half

449 in second half

10—0-4-0 50 ton, 60" ga. in first half

76—0-6-0 70 ton, 60" ga.

20 in first half

56 in second half

II-9A2 Electric Locomotives, R. R.

Request: 50 (\$12,500,000)

(III 2)

Offer: 50 (\$12,500,000)

In accordance with the terms of paragraph "III" in Section V, "Machinery and Equipment". Financial assistance of the Lend-Lease Act will not be extended for this item.

II-9A3 Diesel-Electric Locomotives

Offer: 100 (\$12,400,000) 127 ton 60" ga. old orders

12,000 tons S.W.

50 in first half

50 in second half

II-9B1 Flatcars, R. R.

Request: 14,549 (\$36,372,500)

(III 3)

Offer: 12,244 (\$30,610,000) 50 m. t. 60" ga.

279,163 tons S.W.

7,244 in first half

5,000 in second half

II-9B2 Dump Cars, R. R.

Request: 2,000 (\$9,600,000)

(III 4)

Offer: 1,130 (\$5,424,000) 20 cu. yd. 60" ga.

29,154 tons S.W.

630 in first half

500 in second half

II-9B4 Heavy Machinery Cars, R. R.

Offer: 35 (\$280,000) 125 to 200 tons 60" ga., in first half

4,200 tons S.W.

II-10 Medical Supplies

Request: \$17,500,000

(VII)

Offer: \$17,500,000 maximum, provided Soviet requests are for quantities and items acceptable to the War Department and are fulfilled to the greatest extent possible from available standard U.S. Medical items. 4,375 tons S.W.

Additional Military Supplies

Additional Military Supplies required for the U.S.S.R. war effort will be made available or placed in procurement as shipping conditions permit.

Group III.—Naval and Marine Supplies

- U.S.
Ref. No.
- III-1B Tankers
Request: 10—3,000 to 6,000 tons
(I N6)
Offer: Under consideration
- III-1C Icebreakers
Requests: 2—"NORTH WIND" type, 12,000 H.P.
(IN5)
Offer: 0
- III-1D Tugboats
Request: 45
(I N7)
Offer: 35
15—800 H.P. (old orders)
20—143' steel tugs in accordance with U.S. Navy specifications and plans. These tugs are offered under the express condition that when and as they are completed, they may be retained by the Navy to fill urgent operational requirements.
- III-1D1 Complete Mechanical and Electrical Equipment for Tugboats
Offer: Undelivered portion of equipment for 3 tugboats (\$206,000) (old orders only) 500 tons S.W.
- III-1E Cable Ships
Request: 2
(IN10)
Offer: Under consideration
- III-1G Pneumatic Pontoons
Request: 120—capacity 4 to 100 tons
Offer: 120 100 tons S.W.
80—capacity 40 tons
40—capacity 100 tons
- III-1H Complete Mechanical and Electrical Equipment for Ferry Boats
Offer: For 6 boats (old orders) 30 tons S.W.
- III-2A Submarine Chasers—110'
Request: 72
(I N1)
Offer: 23 (old orders)
Balance under study.
- III-2B Submarine Chasers—65'
Offer: 17 (old orders) 800 tons S.W.
- III-2C Torpedo Boats
Request: 130
(I N2)
Offer: 130 9,260 tons S.W.
100 old orders of which 44 will be knocked down.
30—6 per month beginning in September (new orders)
219-917—69—68

U.S.

Ref. No.

III-2D Minesweepers

Request: 30

Offer: 12 YMS—4 each month beginning in first quarter
1945

III-2D1 Trawling Equipment for Minesweepers

Request: 120 sets

(I N3 part)

Offer: 90 sets

20 old orders

70 new orders

2,960 tons S.W.

III-2E Escort Vessels

Request: 20 with displacement of from 200 to 1,200 tons

(I N4)

Offer: Under study

III-2F Tenders

Request: 3—Boom tenders with carrying power of 25 to 30 tons

(I N8)

Offer: Under study

III-3A Marine Diesel Engines

Request: 3,804

Offer: 3,529

24,039 tons S.W.

12—1,600 H.P. new orders (Tentative)

3—1,400 H.P. new orders (Tentative) from surplus

150—1,200 H.P.

50 old orders

100 new orders (Tentative)

45—650 H.P. old orders

1,142—101 to 500 H.P.

460 old orders

600 new orders limited to 125—400 to 500 H.P. and 60—300 to

399 H.P.

82 new orders from surplus

1,392—31 to 100 H.P.

564 old orders

625 new orders

203 new orders from surplus

785—9 to 30 H.P.

225 old orders

560 new orders

III-3B Marine Gasoline Engines

Request: 1,943

(I N11 6 to 9)

Offer: 1,743

2,580 tons S.W.

535—1,200 H.P. "Packard", old orders

50—650 H.P. H-S Defender, new orders

434—101 to 300 H.P.

34 old orders

400 new orders

724—13 to 100 H.P.

524 old orders

200 new orders

U.S. Ref. No.		
III-3C Marine Wooden Gas Engines		
Offer: 200 (old orders only)		80 tons S.W.
III-3D Outboard Motors		
Request: 850		
Offer: 850 new orders		90 tons S.W.
300—22.5 quads.		
450— 9.7 quads.		
100— 5.4 quads.		
III-3E Shafting and Ship Propellers		
Offer: \$204,000 (old orders only)		165 tons S.W.
III-3F Steering Gears		
Request: \$784,000		
Offer: \$784,000		260 tons S.W.
\$284,000 old orders		
\$500,000 new orders consisting of 20 sets of electric steering engines with hand mechanisms for steering		
III-3G Storage Batteries for Submarines		
Offer: 18 (old orders only)		1,590 tons S.W.
III-4A Salvage Stations and Diving Gear		
Request: \$670,000		
Offer: \$670,000		280 tons S.W.
\$170,000 old orders		
\$500,000 new orders to consist of 50 diving stations 1 C.M. per min. at 25 ATM and 50 diving stations 1 C.M. per hour at 15 ATM.		
III-4B Jetting Equipment		
Request: \$28,000		
Offer: \$28,000, 28 sets		20 tons S.W.
III-4E Distilling Apparatus		
Request: \$1,200,000		
Offer: \$1,200,000—3 units for 500 tons of boiler water a day		600 tons S.W.
III-4G Miscellaneous Special Ship Equipment		
Request: \$500,000		
Offer: \$500,000—426 Machine Telegraphs		325 tons S.W.
Additional Naval and Marine Supplies		
Additional Naval and Marine Supplies required for the U.S.S.R. war effort will be made available or placed in procurement as shipping conditions permit.		

Group IV.—Foodstuffs and Related Products

To Be Made Available as Shipped

IV-1B Wheat Flour		
Request: 280,000 tons		
(VI-1, part)		
Offer: 280,000 tons, N.W.		298,760 tons S.W.
IV-1C3 Other Basic Grain Mill Products		
Request: 10,000 tons Semolina		
(VI-1, part)		
Offer: 10,000 tons, N.W. Semolina		10,500 tons S.W.

U.S.

Ref. No.

IV-1C4 Other Finished Cereals and Products

Request: 35,000 tons

(VI-1, part)

10,000 tons Rolled Oats

25,000 tons Rice

Offer: 25,000 tons, N.W. Rice

26,500 tons S.W.

10,000 tons Rolled Oats will be supplied by Canada

IV-1D Dried Peas and Beans

Request: 75,000 tons Dried Beans

(VI-1, part)

Offer: 75,000 tons, N.W. Dried Beans

80,025 tons S.W.

IV-1E1 Seeds

Request: 34,000 tons

(Supplementary)

Offer: 34,000 tons, N.W.

35,700 tons S.W.

IV-2A Sugar from the United States

Request: 350,000 tons from all sources

(VI-2)

Offer: 200,000 tons N.W.

206,200 tons S.W.

(105,000 tons cube or tablet if possible)

IV-2B Sugar from Other Sources

Request: Included in IV-2A

Offer: 150,000 tons N.W. granulated from Cuba

151,500 tons S.W.

IV-3A Canned Dehydrated Meat

Request: 12,000 tons

(VI-3, part)

Offer: 7,000 tons, N.W. Dehydrated Pork

9,100 tons S.W.

IV-3B & C Tushonka and other Canned Meat

Request: 408,000 tons

(VI-3, part)

Offer: 351,000 tons N.W.

428,220 tons S.W.

330,000 tons Tushonka, bulk Pork Sausage, Luncheon Meat,
and Pork Sausage

21,000 tons Bacon

IV-4A & D Lard and other Animal Fats and Oils

Request: 150,000 tons

(VI-5, part)

Offer: 170,000 tons, N.W.

200,600 tons S.W.

(Lard, tallow and oleo oil)

IV-4B1 Fat Cuts

Request: 80,000 tons

(VI-5, part)

Offer: 100,000 tons N.W.

130,000 tons S.W.

80,000 if shipped at the rate of 6,700 tons a month

20,000 if shipped prior to Nov. 1, 1944

IV-4B2 Smoked Meats, Except Meat Preparations

Request: 10,000 tons

(VI-4)

Offer: 10,000 tons N.W.

13,000 tons S.W.

10,000 tons smoked ham and bacon

U.S. Ref. No.		
IV-4B3 Meat Preparations		
Request: 10,000 tons		
Offer: 10,000 tons		13,000 tons S.W.
10,000 tons Smoked Hard Salami		
IV-4C Butter, Butter Oil and Carter's Spread		
Request: 90,000 tons		
(VI-5, part)		
Offer: 40,000 tons, N.W.		49,652 tons S.W.
IV-5A1 Vegetable Oil in Bulk		
Request: 181,000 tons		
(VI-6, part)		
Offer: 181,000 tons, N.W.		181,000 tons S.W.
93,500 tons Soybean Oil		liquid cargo in
81,850 tons Linseed Oil		bulk
5,650 tons Sunflower Oil		
IV-5B Shortening		
Request: 22,000 tons		
(VI-6, part)		
Offer: 22,000 tons, N.W.		25,300 tons S.W.
IV-5C Oleomargarine		
Request: 22,000 tons		
(VI-6, part)		
Offer: 22,000 tons, N.W.		26,180 tons S.W.
IV-6A Canned Milk		
Request: 8,000 tons		
(IV-7, part)		
Offer: 15,000 tons, N.W. Condensed Milk		18,600 tons S.W.
IV-6B Dried Milk		
Request: 20,000 tons		
(VI-7, part)		
Offer: 35,000 tons N.W.		39,200 tons S.W.
7,000 tons dried whole milk		
28,000 tons non-fat dry milk solids		
IV-6C Dried Eggs		
Request: 40,000 tons		
(VI-7, part)		
Offer: 60,000 tons N.W.		69,000 tons S.W.
IV-6D Cheese		
Request: 10,000 tons		
(VI-7, part)		
Offer: 17,000 tons N.W.		20,910 tons S.W.
12,000 tons natural		
5,000 tons processed		
IV-6E Soya Flour and Grits		
Request: 60,000 tons full-fat soya flour		
(VI-7, part)		
Offer: 60,000 tons N.W. full-fat soya flour		60,600 tons S.W.
IV-6F Fruit and Vegetable Pastes and Purees		
Request: 6,000 tons		
(VI-7, part)		
Offer: 6,000 tons N.W. Tomato Paste		7,500 tons S.W.

U.S.

Ref. No.

IV-6G Concentrated Juices

Request: 2,000 tons

(VI-7, part)

Offer: 2,000 tons N.W.

2,280 tons S.W.

1,400 tons Concentrated Orange Juice

500 tons Concentrated Lemon Juice

100 tons Concentrated Grapefruit Juice

IV-6I Dried and Dehydrated Vegetables

(except Peas and Beans)

Request: 5,263 tons

(VI-7, part)

Offer: 5,263 tons N.W.

7,368 tons S.W.

2,000 tons Dehydrated Onions

1,000 tons Dehydrated Garlic

2,000 tons Dehydrated Tomatoes

157 tons Dehydrated Potatoes

53 tons Dehydrated Cabbage.

53 tons Dehydrated Beets

IV-6J Dried Soups

Request: 4,300 tons

(VI-7, part)

Offer: 4,300 tons N.W.

4,945 tons S.W.

1,000 tons Dehydrated Tomato Soup

2,000 tons Dehydrated Soya Mix Soup

1,000 tons Dehydrated Vegetable Mix Soup

300 tons Dehydrated Chicken Noodle Soup

IV-6K Concentrated Cereals

Request: 4,437 tons

(VI-7, part)

Offer: 4,437 tons N.W.

5,413 tons S.W.

1,000 tons Oatmeal Cereal

3,000 tons Buckwheat and Oat Cereal

437 tons other Concentrated Cereals

IV-8E Vitamins

Request: 608.5 tons

(Supplementary)

Offer: 608.5 tons N.W.

1,035 tons S.W.

10 tril. USP units (55 tons) Fish oil over 200,000 units per gram

10 tril. USP units (110 tons) Fish oil under 200,000 units per gram

15 tons Thiamin (Aneurin, Vit. B₁) 2.5 tons Riboflavin (Vit. B₂)

100 tons Niacin (Nicotinic Acid)

1 ton Ergosterol

175 tons Ascorbic Acid

600 Mil (150 tons) Multi-vitamin tablets

IV-8F Yeast

Request: 1,200 tons

(Supplementary)

Offer: 600 tons N.W.

714 tons S.W.

400 tons Bakers' dry action

200 tons Nutritional tablets

Additional Foodstuffs and Related Products

Offer: 30,000 tons dependent upon availability of specific items

36,000 tons S.W.

Group V.—Machinery and Equipment

Requests of the U.S.S.R., listed below, total approximately \$1,818,168,-000. This total includes \$126,517,000 estimated as undelivered from old orders on June 30, 1944, \$224,369,000 authorized under the terms of the Third Protocol for delivery during the Fourth Protocol period and \$1,467,-282,000 of new requests.

Offerings of the United States, listed below, total approximately \$1,132,-453,000. Where specific units are mentioned in the following offerings the estimated values are included for memorandum purposes only. Such equipment will be supplied in accordance with the units and types mentioned and the designs and specifications agreed upon by representatives of the two Governments. In all other instances deliveries will be made or orders considered for placement in production up to the actual values shown.

I. Offerings designated by the symbol "I" represent quantities of old orders undelivered from factories as of June 30, 1944, estimated at \$126,517,-000 and \$223, 229,000 of orders authorized during the Third Protocol period for delivery from factories during the Fourth Protocol period. Offerings in this class will be made available during the period of the Fourth Protocol.

II. In order to assist the U.S.S.R. in maintaining its production for the successful prosecution of the War, the United States will, from time to time during the Protocol period, consider placement of new orders in quantities not to exceed a total of \$300,900,000. The quantities listed below and designated by the symbol "II", will be considered to the extent justified by the overall quantities in production. It is understood that, where feasible, such new orders will be filled from items available from U.S. surpluses or from orders cancelled by other claimants whenever in the judgment of responsible U.S. authorities such items are comparable to those specified by the U.S.S.R., account always being taken of conditions peculiar to the U.S.S.R. which will affect the use of this equipment. It is also understood that where new orders are accepted at a time too far advanced in the Fourth Protocol year for delivery to be effected under the regular Protocol rating, before June 30, 1945, the U.S.S.R. will accept a delivery date after June 30, 1945. On the basis of a continuing review, the U.S. will, from time to time, inform the U.S.S.R. as to the extent to which it will consider new orders under this paragraph. Offerings under this paragraph are for supplies requiring a relatively short period of time to produce or to reproduce, if already constructed.

III. Items designated by the symbol "III" in the following schedules totaling approximately \$481,807,000 represent supplies requested by the Union of Soviet Socialist Republics for its war production programs, which require a long period to produce, or to reproduce if already constructed, and have a long period of useful life. Items under this paragraph will not be financed under the Lend-Lease Act but may be purchased by the U.S.S.R. if it so

elects. All items under this paragraph are also subject to the following conditions.

Conditions

1. Individual applications for such equipment will first be reviewed by appropriate U.S. Government agencies.

2. After approval of individual applications it will be necessary for the U.S.S.R. to complete arrangements under which patent or other property rights are protected to the satisfaction of their owners.

3. New production of equipment covered by this offer will not be undertaken whenever in the judgment of responsible U.S. authorities such equipment can be supplied from U.S. surpluses or from cancelled orders, account always being taken of conditions peculiar to the U.S.S.R. which will govern use of the equipment.

4. Approval for new production will be given only to the extent that equipment required for U.S. programs of comparable urgency is being approved and priority ratings, where required, will correspond to ratings granted such U.S. programs.

5. The U.S. will not undertake to effect delivery of the equipment during a fixed time period.

U.S.

Ref. No.

V-1 Engines and Turbines, General Purpose

Request: \$5,368,000

(IV 15)

Offer: I—\$4,368,000

2,315 tons S.W.

II—\$1,000,000

V-2A Compressors (Air and Gases), Marine

Request: \$4,375,000

Offer: II—\$4,375,000—1,224 units

V-2B Compressors (Air and Gases), Other

Request: \$34,868,000 (including Fan and Blower Equipment, Industrial)

(I-8 part and IV-7E)

Offer: I—\$4,534,000

6,076 tons S.W.

II—\$4,100,000 including 100 skid-mounted gasoline engine driven 500 C.F.M. (\$1,100,000) 10 to be made available in first half and 90 in second half.

See V-8B for Fan and Blower offering.

V-3A Pumps (Liquid), Marine

Request: \$3,041,000

Offer: I—\$1,168,000

1,174 tons S.W.

II—\$1,873,000—1,431 units

V-3B Pumps (Liquid), Other

Request: \$28,571,000

(IV 7F)

Offer: I—\$7,778,000

7,816 tons S.W.

II—\$1,000,000

U.S.
Ref. No.

V-4 Crushing, Pulverizing, Screening and Mixing Machinery and Equipment

Request: \$140,948,000

(I A&M 8, II-28 and IV-7G including Mining and Quarrying Machinery, Earth and Rock Boring and Drilling Machinery and Accessories and Well and Blast Hole Drilling Machinery.)

Offer: I—\$10,240,000 including V-49 Mining and Quarrying Machinery 13,363 tons S.W.

II—\$11,295,000 including V-49 Mining and Quarrying Machinery and 10-25 cu. yd. trailer-mounted Rock Crushers and Screening Plants (\$335,000) to be made available in second half

III—\$2,500,000 and one coal washing plant. Additional items are under study

See V-50 and V-51 for offering of Earth and Rock Boring and Drilling Machinery and Well and Blast Hole Drilling Machinery.

V-5 Conveyors and Conveying Systems

Request: \$13,927,000

(IV 7H including Mine Type Locomotives, Rail Cars and Parts, Industrial Trucks, Tractors, Trailers, Stackers and Accessories)

Offer: I—\$1,114,000

1,454 tons S.W.

See V-6B, V-7 and V-59B for offerings of Mining Hoists, Industrial Trucks, Tractors, Trailers, Stackers and Accessories and Mine Type Locomotives, Cars and Parts.

V-6A Winches, etc., Marine

Request: \$2,637,000

Offer: I—\$97,000

81 tons S.W.

II—\$1,340,000—294 units

V-6B Cranes, Derricks, Hoists and Winches, Other

Request: \$98,323,000

(I N9, IV-7B, C, and D and \$64,049,000 from IV-7H)

Offer: I—\$16,973,000

36,491 tons S.W.

\$8,049,000 Mining Hoists

\$8,924,000 Other Cranes, Derricks, Hoists and Winches.

II—\$9,527,000

\$451,000 Mining Hoists

\$9,076,000 Other Cranes, Derricks, Hoists and Winches.

V-7 Industrial Trucks, Tractors, Trailers, Stackers and Accessories

Request: See V-5

Offer: I—\$788,000—155 units to be made available in first half.

875 tons S.W.

II—\$4,046,000—796 units

303 units to be made available in first half

493 units to be made available in second half

V-8A Fan and Blower Equipment, Marine

Request: \$66,000

Offer: I—\$66,000

88 tons S.W.

V-8B Fan and Blower Equipment, Other

Request: See V-2B

Offer: I—\$4,234,000

5,674 tons S.W.

II—\$3,500,000 not to include turbo-blowers for blast furnaces.

III—Items under study.

U.S.

Ref. No.

V-9 Mechanical Power Transmission Equipment

Request: \$572,000

(II-28 part)

Offer: II—\$286,000 Roller chains

V-10 Bearings

Request: \$27,337,000

(IV-12)

Offer: I—\$15,337,000

II—\$2,000,000

5,752 tons S.W.

V-11 Valves and Steam Specialties

Request: \$21,595,000

(IV-7J)

Offer: I—\$4,195,000

II—\$10,805,000

5,032 tons S.W.

V-12 Miscellaneous General Purpose Industrial Machinery and Equipment

Request: \$2,720,000

(IV-15)

Offer: I—\$720,000

II—\$2,000,000

608 tons S.W.

V-13A1 Electrical Rotating Equipment, Marine

Request: \$1,772,000

Offer: I—\$1,772,000

2,277 tons S.W.

V-13A2 Electrical Rotating Equipment, Excluding Generator Sets, Including Motor Generator Sets, Other

Request: \$32,628,000

(IV 3 part)

Offer: I—\$9,128,000

II—\$6,000,000 subject to types, sizes, and characteristics.

11,729 tons S.W.

V-13B1 Generator Sets, Military

Request: 17,500 units (\$5,080,000)

Offer: II—2,500 units (\$2,080,000)

500 (\$750,000) 5 KW in second half

2,000 (\$1,330,000) 1½ KW

500 in first half

1,500 in second half

V-13B2 Generator Sets, Marine

Request: \$6,758,000

Offer: I—\$5,404,000

II—\$1,354,000—691 units

2,567 tons S.W.

V-13B3 Generator Sets, Other

Request: \$286,407,000

(IV 3 part)

Offer: I—\$ 74,035,000

II—\$ 34,484,000

III—\$154,770,000 as follows:

35,166 tons S.W.

Complete Stationary Steam Plants

4—100,000 KW plants with 2—50,000 KW units each.

1—50,000 KW plant with 1—50,000 KW unit.

4—50,000 KW plants with 2—25,000 KW units each.

8—6,000 KW plants with 1—6,000 KW unit each.

U.S.
Ref. No.

Steam Turbines Only

2—50,000 KW units

23—25,000 KW units

12—12,000 KW units

15—6,000 KW units

14—3,000 KW units

Back Pressure Power Plants

9—1500 to 1650 KW units

Hydro-Electric Plants

1 plant of 9 units for Dneprostroi

Financial assistance of the Lend-Lease Act will be provided for the first three (3) units of this nine unit project. The remaining 6 units, although programmed together with those financed under the Lend-Lease Act, must be obtained with other resources

1 37,000 KW plant with 2—18,500 KW units

1 11,000 KW plant with 1—11,000 KW unit

1 75,000 KW plant with 2—37,500 KW units

1 96,000 KW plant with 4—24,000 KW units

1 48,000 KW plant with 2—24,000 KW units

1 24,000 KW plant with 1—24,000 KW unit

V-14 Primary Electric Power Transmission and Distribution Equipment

Request: \$42,653,000 including secondary Distribution Equipment and wiring devices

Offer: I—\$4,771,000 include V-16 A+B

2,338 tons S.W.

II—\$10,276,000 include V-16 A+B

V-15 Power Conversion Equipment

(Non-rotating rectifiers)

Request: \$9,744,000

(IV-3 part)

Offer: I—\$1,073,000

525 tons S.W.

II—\$5,000,000

V-16A Secondary Electric Distribution Equipment and Wiring Devices, Marine

See V-14

V-16B Secondary Electric Distribution Equipment and Wiring Devices, Other

Request: See V-14

Offer: See V-14

V-17 Motor Starters and Controllers

Request: \$15,300,000

(IV 3, part)

Offer: I—\$1,957,000

1,810 tons S.W.

II—\$2,843,000

V-19 Miscellaneous Electrical Equipment

Request: \$600,000

(IV-15)

Offer: I—\$321,000

297 tons S.W.

II—\$279,000 includes 40 metal finding detectors \$100,000

U.S.

Ref. No.

V-20 Food Products Machinery

Request: \$22,276,000

(IV 7M and 13)

Offer: I—\$224,000

47 tons S.W.

II—\$1,700,000 (equipment for existing plants only)

III—\$5,000,000 as follows:

26 complete vegetable dehydration plants

4 complete spray process drying plants

20 presses for briquetting dry vegetables

3 complete vacuum installations with vacuum pans

2 continuous automatic potato chip and Julienne machinery
(Financial assistance of the Lend-Lease Act will not be extended for this item.)

5 lines for drying and processing vegetables and fruits.

Additional items under study.

V-21 Textile Industries Machinery

Request: \$6,913,000

(IV 7 M)

Offer: I—\$13,000

6 tons S.W.

II—0

III—Under study

V-22 Pulp and Paper Industry Machinery

Request: \$6,000

Offer: I—\$6,000

10 tons S.W.

V-23 Printing Trades Machinery and Equipment

Request: \$150,000

(IV 7M)

Offer: I—\$7,000

6 tons S.W.

II—\$100,000 Additional quantities under study

V-25 Woodworking Machinery

Request: \$3,309,000

(IV 7M)

Offer: I—\$309,000

405 tons S.W.

II—\$1,000,000

III—Items under study

V-26 Metal Melting and Heating Furnaces

Request: \$12,640,000

(IV 5)

Offer: I—\$5,140,000

5,474 tons S.W.

II—\$2,860,000

V-27 Roasting, Sintering, Blast and Reverberatory Furnaces

Request: \$34,743,000

(IV 4 part)

Offer: I—\$4,743,000

4,956 tons S.W.

II—0

III—\$30,000,000 as follows:

Equipment for 8 blast furnaces 42 air and gas blowers

Equipment for 20 open-hearth furnaces

4 Bessemer converters

2 Bessemer mixers

8 units ore sintering equipment

Miscellaneous Equipment for production of non-ferrous metal
miscellaneous by-product, refinery and tar distillation
equipment

U.S.

Ref. No.

V-28 Foundry Equipment

Request: \$2,594,000

(IV 4 part)

Offer: I—\$1,544,000

1,536 tons S.W.

II—\$1,000,000

V-29 Special Industry Furnaces, Kilns and Ovens

Request: \$12,027,000

(IV-4 part)

Offer: I—\$2,027,000

3,314 tons S.W.

II—\$0

III—\$10,000,000 Equipment for ten coke oven batteries.

V-30A Petroleum Refinery Plants

Request: \$39,000,000

(IV 6D & R)

Offer: I—\$29,000,000 Specific items ordered prior to June 30, 1944, 105,162 tons S.W.

II—0

III—Items under study

V-30B Petroleum Refinery Machinery and Equipment

Request: \$25,000

Offer: I—\$25,000

28 tons S.W.

V-31 Special Machinery for the Glass Industry

Request: \$9,357,000

(IV 6Q)

Offer: I—\$1,357,000

2,042 tons S.W.

II—0

III—\$8,000,000—one continuous plate glass manufacturing plant (Financial assistance of the Lend-Lease Act will not be extended for this item)

V-32 Special Machinery for Chemical Manufacturing Industry

Request: \$79,901,000

(IV 6A through C and F through P)

Offer: I—\$1,011,000

1,521 tons S.W.

II—\$1,500,000 equipment for existing plants only

III—\$90,090,000 as follows:

2 complete plants for production of nitric acid (\$34,000,000)

1 complete plant for production of synthetic ammonia (\$3,500,000)

1 complete plant for production of synthetic phenol (\$4,500,000)

2 complete plants for production of synthetic acetone and butyl alcohol (\$3,000,000)

1 complete plant for production of ethyl alcohol (\$5,000,000)

1 complete plant for production of styrene (\$5,000,000)

1 complete plant for production of acetic acid (glacial) (\$250,000)

1 complete plant for production of glucose (\$500,000)

1 complete coke benzol plant (\$800,000)

U.S.
Ref. No.

- 1 complete plant for production of asphalt roofing (\$700,000)
- 1 complete plant for production of urea (\$700,000)
- 1 complete plant for production of electrolytic hydrogen (\$90,000)
- 1 complete plant for the regeneration of sulphuric acid (\$500,000)
- 1 complete installation for production of cellulose acetate (\$1,350,000)
- 1 complete installation for production of synthetic varnish (\$500,000)
- 1 complete installation for production of synthetic soap detergent (\$2,000,000)
- 1 complete installation for production of chlorine by the electrolytic method (\$500,000)
- 1 complete plant for production of catalysts for cumene process (\$200,000)
- 1 complete plant for production of catalyst for hydrogenation process (\$400,000)
- Hydro-stabilization units for hydrogen plants (\$400,000) (Girbitol units)
- 1 plant for production of Butadiene by Houdry method (\$7,000,000) capacity 15,000 tons a year
- 2 plants for the production of synthetic rubber (neoprene) (\$15,000,000) capacity 10,000 tons a year for one plant and 15,000 tons a year for the second. The installation will include facilities for manufacturing hydrochloric acid and acetylene.
- 1 installation for the production of phthalic anhydride (\$700,000), 3,000 tons a year capacity
- 1 plant for the production of Houdry catalysts (\$500,000) capacity to be adequate to meet requirements of four Houdry units in operation in U.S.S.R. or presently being produced in the U.S.A. for use in the U.S.S.R.
- Raw Film and Paper producing equipment (\$3,000,000). Financial assistance of the Lend-Lease Act will not be extended for this item.

V-33 Gas Generating, Conditioning and Other Gas Producing Apparatus

Request: \$21,398,000

(I N13D and IV 6S)

Offer: I—\$6,548,000

II—\$11,540,000 units with capacity up to and including 100 CM per hour.

III—\$3,310,000 2 units—3500 to 5000 CM per hour capacity.

5,533 tons SW.

U.S.	
Ref. No.	
V-34A Miscellaneous Special Industry Machines	
Requests: \$78,747,000	
(IV 6Q)	
Offer: I—\$997,000	1,500 tons S.W.
II—\$1,500,000 equipment for existing radio tube manufacturing plants only.	
III—\$76,250,000 as follows:	
4 plants for production of roofing and wall tile (\$2,400,000) ^a	
5 plants for production of piping (\$3,000,000) ^a	
2 plants for production of roofing and facing tile (\$1,600,000) ^a	
5 plants for production of sheets and planks for interior finish (\$3,500,000) ^a	
13 plants for production of loose and rolled wool and insulating cork for piping (\$5,850,000) ^a	
1 plant for production of floor tile and linoleum (\$600,000) ^a	
1 plant for production of rolls and shingles (\$1,250,000) ^a	
3 plants for production of gypsum for making gypsum parts (\$600,000) ^a	
1 plant for production of wall blocks (\$200,000) ^a	
18 plants for production of plywood 2 to 55 mm thick (\$12,600,000) ^a	
18 plants for production of windows, doors, sashes, wood flooring and other details for housing construction (\$6,300,000) ^a	
5 plants for production of insulating board or panel (\$3,250,000) ^a	
2 plants for production of ceramic hollow tile and roofing tile (\$1,600,000) ^a	
2 plants for production of toilet bowls, lavatories, kitchen sinks, facing and tile (\$1,600,000) ^a	
33 plants for production of slag and cinder blocks (\$4,950,000) ^a	
3 plants for production of metal structures for bridges and industrial buildings (\$7,500,000) ^a	
3 plants for production of toilet bowls, kitchen ranges, lavatories, kitchen sinks, etc. (\$2,400,000) ^a	
2 plants for production of builders' hardware (\$2,000,000) ^a	
Equipment for manufacturing of radio tubes (\$14,500,000)	
1 shop for repair of precision instruments (\$550,000) ^a	
V-35 Machine Tools	
Request: \$265,000,000	
(IV 1)	
Offer: I—\$30,000,000	18,750 tons S.W.
II—\$90,000,000	

^a Financial assistance of the Lend-Lease Act will not be extended to these items. [Footnote in original.]

U.S.

Ref. No.

V-36 Rolling Mills and Auxiliary Equipment

Request: \$92,172,000

(IV 2)

Offer: I—\$12,172,000

20,510 tons S.W.

II—0

III—\$80,000,000 as follows:

2—40" Blooming mills

1—40" Bloom mill with 28"—32" continuous billet mill

1—26" Bar and structural mill

1—14"—10" Merchant mill

1—28/32" Bar mill

1—72" Plate mill

1—Shape mill

5—Small strip stands

1—Steiffel mill 3"—8 $\frac{5}{8}$ "

2—Steiffel mill 5"—14"

15—Tube reducing machines

V-37 Drawing Machines

Request: \$1,950,000

(IV 15)

Offer: I—\$950,000

921 tons S.W.

II—\$1,000,000

V-39 Secondary Metal Forming and Cutting Machinery and Equipment

Request: \$85,528,000

(IV 2)

Offer: I—\$15,500,000

23,405 tons S.W.

II—\$3,500,000

III—\$1,270,000 as follows:

1—8,000 ton bending press

1—4,500 ton flanging press

1—1,500 ton straightening press

Additional items under study.

V-40A Welding Machinery—Marine

Request: \$10,000

Offer: II—\$10,000

V-40B Welding Machinery—Other

Request: \$17,483,000

(IV 71)

Offer: I—\$4,583,000

3,804 tons S.W.

II—\$3,000,000

V-41 Testing and Measuring Machines (Metal-working)

Request: \$3,735,000

(IV 8)

Offer: I—\$1,835,000

808 tons S.W.

II—\$665,000

V-43A Portable Metalworking Machines and Tools (Power Driven—Marine Underwater Types)

Request: \$943,000

Offer: I—\$143,000

70 tons S.W.

II—\$800,000

U.S. Ref. No.		
V-43B	Portable Metalworking Machines and Tools (Power Driven), Other Request: \$1,250,000 (IV 15) Offer: I—\$477,000 II—\$773,000	236 tons S.W.
V-44A	Cemented Carbide Cutting Tools for Machine Tools Request: \$5,350,000 (IV 9) Offer: I—\$1,350,000 II—\$1,050,000	115 tons S.W.
V-44B	Metal Cutting Tools—Including Threading Tools and Metal Cutting Hack and Band Saw Blades, Hand and Machine Operated Request: \$27,462,000 (IV 9) Offer: I—\$10,962,000 II—\$4,038,000	2,631 tons S.W.
V-45	Cutting and Forming Tools for Metal Forming Machines Request: \$13,000 Offer: I—\$13,000	3 tons S.W.
V-46	Attachments and Accessories for Machine Tools Request: \$3,598,000 (IV 15) Offer: I—\$2,348,000 II—\$1,250,000	1,621 tons S.W.
V-46	Tool Room Specialties and Attachments and Accessories for Other Metal Working Tools Request: \$4,000 Offer: I—\$4,000	3 tons S.W.
V-48	Agricultural Machinery and Implements Except Tractors Request: \$190,000 Offer: I—\$190,000	360 tons S.W.
V-49	Mining and Quarrying Equipment Request: See V-4 Offer: See V-4	
V-50	Earth and Rock Boring and Drilling Machinery and Accessories Request: See V-4 Offer: I—\$2,013,000 II—\$156,000—260 tons drill rods and couplings	2,939 tons S.W.
V-51	Well and Blast Hole Drilling Machinery Request: See V-4 Offer: I—\$2,180,000	3,009 tons S.W.

U.S.
Ref. No.

V-52A Excavating and Dredging Machinery and Equipment

Request: \$32,128,000

(IV-7A and I-8 part)

Offer: I—\$9,818,000

19,488 tons S.W.

II—\$4,872,000—398 units as follows:

200 Crawler Shovels and Cranes (\$4,219,000)

104 Class 3 (\$1,768,000)

50 in first half

54 in second half

21 Class 4 (\$441,000)

10 in first half

11 in second half

15 Class 5 (\$720,000)

5 in first half

10 in second half

30 Class 11, Mobile (\$660,000)

10 in first half

20 in second half

30 Class 12, Mobile (\$630,000)

10 in first half

20 in second half

100 Hammers, pneumatic or steam pile driver,
double acting, 5,000 lbs. (\$146,000)

10 in first half

90 in second half

78 Road Scrapers, towed type, cable operated,
8 cu. yds. type III without tractor (\$335,000)

28 in first half

50 in second half

20 Ditching Machines, crawler mounted gasoline
engine driven (\$172,000)

10 wheel type, digging depth 5' 6" width 23"
(\$72,000) in second half

10 ladder type, digging depth 8' width 18" to
24" (\$100,000) in second half

V-53 Miscellaneous Construction Equipment

Request: \$1,200,000

(IV-7M)

Offer: II—\$800,000

V-55 Miscellaneous Machinery

Request: \$255,000

Offer: I—\$255,000

265 tons S.W.

V-58B Teletype Apparatus

Request: \$2,333,000

(I A & M 16)

Offer: I—\$888,000

225 tons S.W.

II—\$1,308,000

I and II include equipment valued at (\$2,058,000)
as follows:

550 teletypewriters Model 15 (\$605,000) in sec-
ond half

300 teletypewriters Model 19 (\$600,000) in sec-
ond half

U.S.
Ref. No.

400 telegraph printer sets EE-97 (\$540,000)
185 in first half
215 in second half
High speed keying equipment (\$313,000) in second half

V-58C1 Field Telephones

Request: 100,000 (\$5,000,000)

(IA and M17)

Offer: II—100,000 (\$5,000,000) EE8 Soviet type

30,000 in first half

70,000 in second half

V-58C2 Other Telephone and Telegraph Equipment

Request: \$15,651,000

(IA and M19, 20 and 21)

Offer: I—\$9,211,000

4,422 tons S.W.

II—\$1,110,000 as follows:

300 telephone central office sets TC-4 (\$360,000)

150 in first half

150 in second half

20 3-channel telephone carrier package C with power units PE-95 (\$750,000) in second half

V-58D Sound Equipment (Public Address, Recording and Reproducing)

Request: \$43,000

Offer: I—\$43,000

21 tons S.W.

V-58E Automatic Block Signal System

Request: \$12,809,000

(IV-7L)

Offer: I—\$2,809,000

980 tons S.W.

II—\$0

III—\$10,000,000 as follows:

1,600 KM double-track steam road floating charge system with conventional track circuits and wire line circuits

200 KM double-track steam road coded track circuits without line wire

340 KM double-track electric traction road, A.C. signalling

V-59A Industrial Type Locomotive, Cars and Parts

Request: \$6,293,000

(IV-7H)

Offer: I—\$3,293,000 including 116 units (\$677,000) as follows:

4,973 tons S.W.

16 steam locomotives (\$512,000) 27 ton, 0-8-0, 750 mm. ga. in first half

50 dump cars (\$90,000) 20 ton 750 mm. ga. in first half

50 flat cars (\$75,000) 12 ton 750 mm. ga. in first half

V-59B Mine Type Locomotives, Rail Cars and Parts

Request: See V-5

Offer: I—\$885,000

2,673 tons S.W.

II—\$975,000 (not to include locomotives)

U.S.

Ref. No.

V-60 Passenger Vehicles and Parts

Request: \$190,000

Offer: I—\$65,000

55 tons S.W.

II—\$125,000

200 Chevrolets in first half

V-61 Air Conditioning and Refrigeration Equipment

Request: \$1,005,000

Offer: I—\$12,000

11 tons S.W.

II—\$993,000 as follows:

80 ice plants, 1 ton (\$117,000)

50 in first half

30 in second half

95 ice plants, 3.6 ton (\$293,000)

65 in first half

30 in second half

50 prefabricated refrigerating warehouses, (620 cu. ft.) (\$90,000) in first half

100 refrigerated semi-trailers (\$493,000)

50 in first half

50 in second half

V-62A Lighting Fixtures—Marine

Request: \$748,000

Offer: I—\$644,000

209 tons S.W.

II—\$2,000—50 navigation sidelights

V-62B Lighting Fixtures—Other

Request: \$1,094,000

Offer: I—\$94,000

61 tons S.W.

III—\$1,000,000—Studio lighting equipment. Financial assistance of the Lend-Lease Act will be not extended for this item.

V-63 Photographic Equipment

Request: \$6,036,000

(IV-7M)

Offer: I—\$36,000

10 tons S.W.

III—\$3,500,000—Sound recording equipment, motion picture cameras and accessories, film processing equipment, cutting equipment, and projection equipment. Financial assistance of the Lend-Lease Act will not be extended for this item.

V-64A Optical, Indicating, Recording and Control Instruments Except Radio and Radar Test Equipment, Aircraft Engine and Flight Instruments and Nautical and Navigation Instruments and Apparatus

Request: \$11,089,000

(IV-8 part)

Offer: I—\$2,035,000

743 tons S.W.

II—\$2,965,000—not to exceed 20% electrical equipment.

III—\$500,000—Control and Measuring equipment for motion picture production. Financial assistance of the Lend-Lease Act will not be extended for this item.

U.S. Ref. No.		
V-64B Navigation Instruments		
Request: \$3,006,000		
Offer: I—\$6,000		5 tons S.W.
II—\$3,000,000		
V-65 Professional and Scientific Instruments Except Dental, Medical, Surgical, Operating Room Equipment, Other Hospital Equipment and X-Ray Equipment, Medical and Dental		
Request: \$1,585,000		
(IV 8 part)		
Offer: I—\$928,000		107 tons S.W.
II—\$500,000		
V-67 Hand Tools, Non-Powered Except Dies, Taps, Hack and Band Saw Blades		
Request: \$867,000		
Offer: I—\$867,000		286 tons S.W.
V-68 Mechanics' Measuring Tools		
Request: \$8,037,000		
(IV 9)		
Offer: I—\$3,032,000		1,000 tons S.W.
II—\$218,000		
V-69A Boilers, Marine		
Request: \$168,000		
Offer: I—\$81,000		12 tons S.W.
II—\$87,000—25 units		
V-69B Power Boilers, Other		
Request: \$16,394,000		
(IV 3 part)		
Offer: I—\$7,000,000		10,570 tons S.W.
II—\$2,040,000		
III—\$5,617,000		
V-70 Agricultural Tractors Except Track-Laying		
Request: \$9,375,000 (5,000 Diesel track-laying) (Supplementary)		
Offer: II—\$5,000,000—5,000 steel wheel, equipped to burn kero- sene or distillate in models and sizes available from U.S. production.		
Other Machinery and Equipment		
Request: \$50,798,000		
(IV 15 balance)		
Offer: II—\$25,000,000 representing additional offerings in cate- gories for which no specific offerings are shown above or increases in specific offerings where such offerings are found to be inadequate to meet urgent unforeseen requirements.		
Estimated Shipping Weight of Offerings Designated "II" Above Ex- pected to Become Available During the Protocol Period		131,941 tons S.W.

Group VI.—Other Materials and Products

U.S.

Ref. No.

VI-1 Steel

Request: 951,486 tons including 50,000 tons requested of Canada
(II-16 to 27 incl. and II-28 part)

Offer: 860,421.5 tons N.W. as follows:

877,300 tons S.W.

VI-1-10	24,000 tons	Copper Clad Strip
VI-1-16A	140 tons *	Polished Drill Rods, plain carbon
VI-1-16B	140 tons *	Polished Drill Rods, high speed alloy
VI-1-16C	200 tons *	Polished Drill Rods, plain alloy
VI-1-17	6,700 tons *	High Speed Tool Steel, alloy
VI-1-18A	6,280 tons *	Tool Steel, plain carbon
VI-1-18B	1,000 tons *	Tool Steel, alloy X-12
VI-1-18C	1,500 tons *	Tool Steel, alloy X-12M
VI-1-18D	9,500 tons *	Tool Steel, other alloy
VI-1-19E	10,000 tons *	Cold Finished Bars, electric and BOH alloy
VI-1-19F	43,000 tons	Cold Finished Bars, SAE 1015-1050 and other plain carbon
VI-1-20	70,000 tons *	H.R. Alloy Bars and Plates
VI-1-21	15,000 tons *	Cr-Si-Mn Billets (alloy)
VI-1-22	17,000 tons	Cold Rolled Sheets, carbon
VI-1-22A	9,000 tons	Cold Rolled Strip, carbon
VI-1-23A	3,000 tons *	Stainless Steel Sheets and Plates
VI-1-23C	1,000 tons *	Stainless Steel Bars
VI-1-24	50,000 tons	Tinplate, carbon
VI-1-25A	500 tons *	Ball Wire, alloy
VI-1-25B	800 tons *	Chrome Vanadium Wire (alloy)
VI-1-25C	800 tons *	Alloy Wire 4140
VI-1-25D	200 tons	Music Wire, carbon
VI-1-25E	1,300 tons	Spring Wire, carbon
VI-1-25F	2,000 tons	Rope Wire, carbon
VI-1-25G	200 tons	Card Wire, carbon
VI-1-25I	15,000 tons	Galvanized Tel. and Tel. Wire
VI-1-25J	10,700 tons	Low Carbon Wire
VI-1-25K	100 tons	Square Wire, carbon
VI-1-25M	2,000 tons	Miscellaneous Carbon Wire
VI-1-26A	10,000 tons	Wire Rope
VI-1-27A	1,950 tons	Alloyed Tubes 18% Cr.-8% Nickel

Subject to receipt of satisfactory specifications and in addition to undelivered balances as of June 30, 1944, of stainless tubing and hot rolled ball bearing tubing.

VI-1-27B	7,000 tons *	Alloyed Tubes, 4-6% Cr.
VI-1-27C	4,360 tons	Alloyed Tubes, carbon 5% Molybdenum, pipe size
VI-1-27E	2,200 tons *	Steel Alloyed Tubes, carbon 5%, H.R. tubes
VI-1-27F	4,500 tons *	H. R. Ball Bearing Tubes, alloy

In addition to undelivered balances as of June 30, 1944, of stainless tubing and hot rolled ball bearing tubing.

VI-1-28	2,000 tons *	Stainless Steel Wire
VI-1-29	1,000 tons *	Special Alloy Steel Wire
VI-1-32B	1,000 tons	Seamless Press. and Mech. Tubing, Carbon
VI-1-32C	4,000 tons	C.D. Press. and Mech. Tubing, carbon
VI-1-32D	10,000 tons	Hot Finished Press. and Mech. Tubing, carbon
VI-1-32F	15,000 tons	Electrical Weld Line Pipe, carbon
VI-1-32G	20,000 tons	Seamless and Electric Weld Casing, carbon

* To be reduced by quantities supplied by the United Kingdom and Canada. [Footnote in original.]

U.S. Ref. No.			
	VI-1-32H	12,000 tons	Seamless and Electric Weld Line Pipe, carbon
	VI-1-32I	6,600 tons	Seamless Drill Pipe, carbon
	VI-1-32J	5,000 tons	Seamless and Electric Weld Oil Well Tubing, carbon
	VI-1-32K	1,751.5 tons	Tool Joints
	VI-1-33A	40,000 tons	H. R. Sheets, carbon
	VI-1-33B	16,000 tons	H. R. Galvanized Roofing Sheets, carbon
	VI-1-33C	20,000 tons	H. R. Plates, carbon
	VI-1-33D	8,000 tons	H. R. Bars and Bar Mill Shapes, carbon
	VI-1-33E	30,000 tons	H. R. Structural Shapes, carbon
	VI-1-33F	6,000 tons	H. R. Hoopes and Strip, carbon
	VI-1-33G	5,000 tons	H. R. Terne Plate and Long Ternes, carbon
	VI-1-34	6,000 tons	Wire Nails and Tacks
	VI-1-101A&B	300,000 tons	R. R. Rails and Accessories
	Additional quantities will be supplied by other parties to the Protocol.		
	VI-1-104	20,000 tons	Locomotive Car Wheel Tires
VI-2D	Ferro-Vanadium		
	Request: 1,200 tons		
	(II 13)		
	Offer: 200 tons N.W.		214 tons S.W.
	Other Parties to the Protocol will supply the balance.		
VI-2E	Ferro-Tungsten		
	Request: 1,500 tons		
	(II 15)		
	Offer: 560 tons N.W.		571 tons S.W.
	Other parties to the Protocol will supply the balance.		
VI-2F	Ferro-Molybdenum		
	Request: 1,200 tons		
	(II 14)		
	Offer: 1,200 tons N.W.		1,284 tons S.W.
Copper Contained			
	Request: 150,000 tons		
	(II 6)		
	Offer: As contained in offerings under VI-3A1, A2, A3, and A4 below.		
VI-3A1	Electrolytic Copper		
	Request: 60,000 tons		
	(II 6)		
	Offer: 0		
	Will be supplied by other parties to the Protocol.		
VI-3A2	Copper Tubes, Etc.		
	Request: 5,000 tons		
	(II 8)		
	Offer: 5,000 tons N.W.		5,750 tons S.W.
VI-3A3	Copper Base Alloys		
	Request: 80,000 tons		
	(II 9)		
	Offer: 80,000 tons N.W.		82,400 tons S.W.
VI-3A4	Bare Copper Cable and Wire		
	Request: 20,000 tons		
	(II 10)		
	Offer: 19,000 tons N.W. (copper content)		19,190 tons S.W.

U.S.

Ref. No.

VI-3B Aluminum—All Shapes

Request: 87,200 tons (17,200 tons from request on Canada)

(II 1)

Offer: 87,200 tons N.W.

88,950 tons S.W.

Additional quantities will be supplied by other parties to the Protocol.

VI-3C Magnesium Metal

Request: 4,000 tons

(II 4)

Offer: 4,000 tons N.W.

4,000 tons S.W.

Nickel Contained in Products

Request: 2,000 tons

(II 3 part)

Offer: 2,000 tons N.W. maximum

As contained in Steel VI-1 and other products containing nickel.

VI-3D1 Pig Nickel

Request: 11,000 tons

(II 3)

Offer: 5,480 tons N.W.

5,754 tons S.W.

VI-3D3&4 Resistance Wire and Strip (Nickel Chromium)

Request: 600 tons

(II 11)

Offer: 538 tons N.W.

600 tons S.W.

VI-3D5&6 Nickel Foil and Other Pure Nickel Shapes

Offer: 28 tons N.W. (old orders only)

35 tons S.W.

VI-3E1 Tin

Offer: 5 tons N.W. (old orders only)

1 ton S.W.

VI-3F Zinc

Request: 10,000 tons

(II 7)

Offer: 0

Will be supplied by other parties to the Protocol.

VI-3G Lead

Request: 20,000 tons (from request upon U.K. and Canada)

Offer: 20,000 tons N.W.

21,000 tons S.W.

VI-3H1 Cadmium

Request: 224 tons (from request upon Canada)

Offer: 224 tons N.W.

235 tons S.W.

VI-3H3 Cobalt

Request: 180 tons

(II 2)

Offer: 90 tons N.W.

95 tons S.W.

Additional quantities to be supplied by other parties to the Protocol.

VI-4A Molybdenum Concentrates

Request: 4,480 tons

(II 5)

Offer: 4,480 tons N.W.

4,794 tons S.W.

U.S. Ref. No.		
VI-6A1 Marine Cable		
Request: 1,200 km.		
(I A&M 24)		
Offer: See VI-6A4		
VI-6A2 Submarine Cable		
Request: 600 km.		
(I A&M 23)		
Offer: See VI-6A4		
VI-6A3 Field Telephone Wire		
Request: 250,000 miles		
(I A&M 18)		
Offer: 186,000 miles WS-1/TS	12,830 tons S.W.	
Delivery schedule not yet available		
VI-6A4 Other Insulated Wire and Cable		
Request: 4,000 km.		
(IV 14)		
Offer: "Marine Cable," VI-6A1, "Submarine Cable," VI-6A2, and "Other Insulated Wire and Cable," VI-6A4, containing 12,000 tons N.W. of copper	80,000 tons S.W.	
VI-6A5 Copper Magnet Wire		
Request: See VI-6G		
Offer: See VI-6G		
VI-6B1 Wire Cloth and Screen		
Offer: \$385,000 (old orders only)	193 tons S.W.	
VI-6B2 Wire Netting and Fencing		
Request: 450 tons		
(II 28)		
Offer: 450 tons N.W.	508 tons S.W.	
VI-6C Fabricated Structural Iron and Steel		
Offer: 1,237 tons (old orders only)	1,237 tons S.W.	
VI-6D Chains and Attachments		
Request: 4,280 tons		
(II 28)		
Offer: 4,280 tons N.W.	4,280 tons S.W.	
VI-6E Bolts, Nuts, Screws, Washers, Rivets		
Request: 8,000 tons		
(II 28)		
Offer: 8,000 tons N.W.	8,320 tons S.W.	
VI-6F Other Fabricated Metal Basic Products		
Request: 200 tons shoe nails		
(II 28)		
Offer: \$26,500 from old orders and 200 tons N.W. shoe nails. See offer for "Other Materials, including Metals and their Products"	232 tons S.W.	
VI-6G Special Fine Wires, Strip, etc.		
Request: 600 tons		
(II 12)		
Offer: Consideration will be given to the supply of 336 tons (including copper magnet wire VI-6A5) subject to acceptable specifications and arrangement of production schedules	386 tons S.W.	

U.S.	
Ref. No.	
VI-6H Sucker Rods	
Request: 4,000 tons	
(II 28)	
Offer: 4,000 tons N.W.	5,080 tons S.W.
VI-7A Anchors	
Request: 1,002 tons	
(II 28)	
Offer: 1,002 tons N.W.	1,002 tons S.W.
VI-7B Other Metal End Products	
Offer: \$135,600 (old orders only)	21 tons S.W.
See offer for "Other Materials, including Metals and their Products"	
Other Metals and Products	
Request: 12,068 tons	
(II 28, balance)	
Offer: See offer for "Other Materials, including Metals and their Products."	
VI-9A Aviation Gasoline Over 99 Octane from U.S. ⁶	
Request: 100,000 tons	
(II 29)	
Offer: 100,000 tons—100 Octane	75,000 tons S.W.
75,000 tons in bulk	liquid cargo in
25,000 tons N.W. in drums	bulk
(To be made available as shipped)	28,250 tons S.W.
	dry cargo
VI-9E Gasoline Blending Agents from U.S.	
Request: 300,000 tons	
(II 29)	
Offer: 300,000 tons alkylates	288,000 tons S.W.
288,000 tons in bulk	liquid cargo in
12,000 tons N.W. in drums	bulk
(To be made available as shipped)	13,920 tons S.W.
	dry cargo
VI-9H Lubricating Oils and Greases from U.S.	
Request: 25,000 tons	
(II 29)	
Offer: 25,000 tons	20,000 tons S.W.
20,000 tons in bulk	liquid cargo in
5,000 tons N.W. in drums	bulk
(To be made available as shipped)	5,650 tons S.W.
	dry cargo
VI-9J Chemical Additives from U.S.	
Request: 1,000 tons	
(II 29)	
Offer: 1,000 tons N.W.	1,130 tons S.W.
(To be made available as shipped)	dry cargo

⁶ Quantities of aviation gasoline and blending agents offered by the United States will be reduced to the extent that such materials are furnished to the U.S.S.R. from Abadan by the U.K. without replacement to the U.K. from U.S. controlled sources.

The U.S. reserves the right to reduce quantities of blending agent on a ton for ton basis to compensate for any increase of supply from the U.S. over 100,000 tons of aviation gasoline over 99 octane. [Footnote in original.]

U.S. Ref. No. VI-9B, C, D, F, G, I, and K Other Petroleum Products from U.S. Request: 74,000 tons (II 29) Offer: 74,000 tons 60,000 tons in bulk 14,000 tons N.W. in drums (To be made available as shipped)	60,000 tons S.W. liquid cargo in bulk 15,820 tons S.W. dry cargo
VI-9 Petroleum Products from Abadan Request: 300,000 tons (II 29) Offer: 300,000 tons to be delivered for U.S. account from U.K. stocks at Abadan and to be replaced to U.K. by U.S. (Dependent upon ability to provide type of product requested.)	
VI-10A6 Calcium Carbide Offer: 124 tons N.W. (old orders only)	131 tons S.W.
VI-10A7 Calcium Chloride Offer: 45 tons N.W. (old orders only)	46 tons S.W.
VI-10A8 Caustic Soda Request: 30,000 tons (II 35) Offer: 30,000 tons N.W.	31,800 tons S.W.
VI-10A9 Phosphorus Offer: 175 tons N.W. (old orders only)	177 tons S.W.
VI-10A10 Potassium Carbonate Offer: 56 tons N.W. (old orders only)	60 tons S.W.
VI-10A12 Potassium Dichromate Request: 2,000 tons (includes other Dichromates) (II 44 part) Offer: 1,500 tons N.W.—Dichromates In addition, 500 tons N.W. will be made avail- able for production of Saccharin (VI-10B20) and Resistance Wire (VI-3D3)	1,620 tons S.W.
VI-10A15 Potassium Tetraoxide Request: 350 tons (II 44 part) Offer: 350 tons N.W.	560 tons S.W.
VI-10A17 Sodium Cyanide Request: 1,500 tons (II 44 part) Offer: 900 tons N.W.	972 tons S.W.
VI-10A20 Sodium Dichromate Request: See VI-10A12 Offer: See VI-10A12	
VI-10A99 Miscellaneous Inorganic Chemicals Offer: 607 tons N.W. (old orders only)	700 tons S.W.

U.S.	
Ref. No.	
VI-10B1 Acetone	
Request: 6,000 tons	
(II 37)	
Offer: 6,000 tons N.W.	7,020 tons S.W.
VI-10B4 Butyl Acetate	
Request: 6,000 tons	
(II 39)	
Offer: 4,000 tons N.W.	4,480 tons S.W.
VI-10B5 Butyl Alcohol	
Request: 8,000 tons	
(II 38)	
Offer: 6,000 tons N.W.	6,840 tons S.W.
VI-10B6 Camphor	
Request: 800 tons	
(II 43)	
Offer: 800 tons N.W.	928 tons S.W.
VI-10B7 Casein	
Request: 1,700 tons	
(II 41)	
Offer: 1,700 tons N.W.	1,700 tons S.W.
VI-10B8 Citric Acid	
Request: 800 tons	
Offer: 0	
Will be supplied by U.K.	
VI-10B10 Dibutylphthalate	
Request: 2,000 tons	
(II 44 part)	
Offer: 1,500 tons N.W.	1,665 tons S.W.
VI-10B14 Diphenylguanidine	
Offer: 64 tons N.W. (old orders only)	75 tons S.W.
VI-10B15 Ethyl Acetate	
Request: 5,000 tons	
(II 40)	
Offer: 5,000 tons N.W.	5,600 tons S.W.
VI-10B16 Ethyl Alcohol	
Request: 180,000 tons	
(II 36)	
Offer: 180,000 tons N.W. in bulk	180,000 tons S.W. liquid cargo in bulk
VI-10B19 Ethylene Glycol	
Request: 4,000 tons	
(II 30)	
Offer: 4,000 tons N.W.	4,400 tons S.W.
VI-10B21 Furfural	
Offer: 820 tons N.W. (old orders only)	902 tons S.W.
VI-10B22 Glycerine	
Request: 4,400 tons	
(II 34)	
Offer: 4,400 tons N.W.	5,192 tons S.W.

U.S.	
Ref. No.	
VI-10B23 Hexamine (Urotropine)	
Request: 4,400 tons	
(II 33)	
Offer: 3,000 tons N.W.	3,300 tons S.W.
VI-10B24 Methanol	
Request: 12,000 tons	
(II 32)	
Offer: 9,200 tons N.W.	950 tons S.W.
950 tons in bulk	liquid cargo
8,250 tons in drums	in bulk
	9,075 tons S.W.
	dry cargo
VI-10B26 Phenol	
Request: 12,000 tons	
(II 31)	
Offer: 12,000 tons N.W.	13,440 tons S.W.
VI-10B27 Potassium Butyl Xanthate	
Request: 1,350 tons	
(II 42)	
Offer: 1,350 tons N.W.	1,485 tons S.W.
VI-10B30 Saccharin	
Request: 560 tons	
(II 44)	
Offer: 372 tons N.W.	446 tons S.W.
VI-10B32 Toluol	
Request: 40,000 tons	
(I A&M 12)	
Offer: 39,574 tons N.W. in bulk	39,574 tons S.W.
	liquid cargo
	in bulk
VI-10B34 Paraphenetidin and Paranitrochlorbenzol	
Request: 200 tons	
(II 44 part)	
Offer: 158 tons N.W.	179 tons S.W.
38 tons Paraphenetidin	
120 tons Paranitrochlorbenzol	
VI-10B99 Miscellaneous Organic Chemicals	
Offer: 878 tons N.W. (old orders only)	983 tons S.W.
See offering "Other Chemicals"	
VI-10C Gases	
Offer: \$9,400 (old orders only)	30 tons S.W.
VI-10D1 Paints, Varnishes, Lacquers, Etc.	
Offer: 562 tons N.W. (old orders only)	607 tons S.W.
VI-10D2 Carbon and Lamp Black	
Offer: 2,240 tons N.W. (old orders only)	2,912 tons S.W.
VI-10D3 Other Pigments	
Offer: 406 tons N.W. (old orders only)	422 tons S.W.
VI-10F Insecticides	
Offer: 23 tons N.W. (old orders only)	25 tons S.W.
VI-10G2 Vulcanized Fibre	
Request: 1,000 tons	
(II 49)	
Offer: 1,000 tons N.W.	1,180 tons S.W.

U.S. Ref. No.		
VI-10G3 Cellulose Film Base		
Offer: 2,795,000 ft. (677 tons N.W.) (old orders only)		812 tons S.W.
VI-10G9 Miscellaneous Plastics		
Offer: 13 tons N.W. (old orders only)		15 tons S.W.
VI-10H1 Ammonia Rubber Paste		
Offer: 216 tons N.W. (old orders only)		237 tons S.W.
VI-10H2 Ethyl Centralite		
Request: 800 tons (II 44 part)		
Offer: 350 tons N.W.		466 tons S.W.
VI-10H3 Boiler Compounds		
Offer: 51 tons N.W. (old orders only)		57 tons S.W.
VI-10H4 Miscellaneous Flotation Reagents (Aerofloats)		
Request: 400 tons (II 44 part)		
Offer: 400 tons N.W.		440 tons S.W.
VI-10H6 Photogelatine		
Request: 250 tons (II 44 part)		
Offer: 250 tons N.W.		300 tons S.W.
VI-10H99 Miscellaneous Chemicals		
Offer: 435 tons N.W. (old orders only)		500 tons S.W.
Other Chemicals		
Request: 9,700 tons (II 44 balance)		
Offer: Consideration will be given to the acceptance of orders for 10,200 tons of various chemicals which will be in addition to the offerings listed above.		10,670 tons S.W.
VI-11A Cotton Cloth		
Request: 25,084,000 yds. including 25,000,000 yds. uniform cloth		
Offer: 25,000,000 yds. uniform twill and 84,000 yds. calico (old orders)		7,520 tons S.W.
VI-11B Woollen Cloth		
Request: 21,662,000 yds. (V 4)		
Offer: 20,712,000 yds.		19,443 tons S.W.
10,000,000 yds. overcoating, Army type		
7,050,000 yds. suiting, Army type		
1,750,000 yds. in first half		
5,300,000 yds. in second half		
1,364,000 yds. Navy type, old orders		
2,000,000 yds. Navy type, new orders		
298,000 yds. miscellaneous, old orders.		
VI-11C Webbing		
Request: 12,000,000 yds. (V 7)		
Offer: 0		
Note: Approximately 21,000,000 yds. available for export on June 30, 1944.		

U.S.	
Ref. No.	
VI-11D Tarpaulin and Duck	
Request: 3,000,000 yds. 54" to 72" width	
(V 6)	
Offer: 3,000,000 sq. yds.	2,833 tons S.W.
500,000 in first half	
2,500,000 in second half	
VI-11F Cordage and Twine	
Request: 8,000 tons—4,000 tons sisal rope	
4,000 tons binder twine	
(II 50)	
Offer: 4,000 tons N.W. sisal rope	9,200 tons S.W.
4,000 tons N.W. binder twine	
VI-11G Other Basic Textiles	
Offer: \$1,493,000 (old orders only)	960 tons S.W.
VI-12A Fish Nets	
Offer: 386 tons N.W. (old orders)	394 tons S.W.
Additional quantities under study.	
VI-12B Other Textile Products	
Offer: \$56,000 (old orders only)	35 tons S.W.
VI-13 Leather	
Request: 22,000 tons—18,000 tons sole leather	
4,000 tons retanned upper leather	
(V 1 & 2)	
Offer: 11,963 tons N.W.	12,322 tons S.W.
509 tons N.S. sole leather	
9,481 tons sole and innersole leather from South America	
780 tons U.S. upper leather	
1,193 tons upper leather from South America	
VI-14 End Products of Leather	5 tons S.W.
Offer: \$8,800 (old orders only)	
VI-15 Crude Rubber	
Offer: 168 tons N.W. (\$162,000) (old orders only)	170 tons S.W.
See VI-18C	
VI-16A Vistanex	
Offer: 410 tons N.W. (\$336,000) (old orders only)	447 tons S.W.
VI-16B Other Synthetic Rubber	
Offer: 112 tons N.W. (\$20,000) (old orders only)	128 tons S.W.
See VI-18C	
VI-17B Other Rubber Materials	
Offer: \$506,000 (old orders only)	1,316 tons S.W.
See VI-18C	
VI-18A Tires and Tubes	
Request: 40,320 tons of rubber in tires and tubes and other rubber products.	
(II 45)	
Offer: No firm offer can be made. The U.S. will attempt to supply up to 100,000 tires and tubes each month subject to acceptable size distribution and the maintenance of U.S. production goals.	27,000 tons S.W.
VI-18B Rubber Hose	
Request: See VI-18A	
Offer: \$1,532,000 (old orders only)	1,992 tons S.W.
See also VI-18C	

U.S.	
Ref. No.	
VI-18C Other Rubber Products	
Request: See VI-18A	
Offer: \$15,320,000	21,448 tons S.W.
\$5,450,000 (old orders only)	
\$9,870,000 (new orders including VI-15, VI-16B, VI-17B, VI-18B, VI-19C, and VI-20D)	
VI-19A Army Boots	
Request: 5,000,000 pair	
(V 3)	
Offer: 5,000,000 pair	13,250 tons S.W.
VI-19C Rubber Boots and Shoes	
Offer: \$125,000 (old orders only)	162 tons S.W.
See VI-18C	
VI-19D Other Boots and Shoes	
Offer: \$952,000 (old orders only)	190 tons S.W.
VI-20A Leather Jackets	
Offer: 20,000 (old orders only)	132 tons S.W.
VI-20B Leather Belts	
Offer: 42,000 (old orders only)	13 tons S.W.
VI-20C Miscellaneous Leather Apparel	
Offer: \$121,000 (old orders only)	42 tons S.W.
VI-20D Rubber Apparel	
Offer: \$27,000 (old orders only)	5 tons S.W.
VI-20E Other Apparel	
Offer: \$496,000 (old orders only)	100 tons S.W.
VI-21A Abrasive Grain	
Request: 4,000 tons	
(IV 9, part)	
Offer: Up to 8,700 tons N.W.	8,790 tons S.W.
VI-21B Abrasive Products	
Request: 6,000 tons	
(IV 9, part)	
Offer: \$6,000,000	4,800 tons S.W.
VI-22A Graphite Powder	
Request: See VI-22B	
Offer: Up to 1,913 tons N.W.	2,085 tons S.W.
VI-22B Graphite and Carbon Electrodes	
Request: 9,000 tons graphite electrodes and other graphite products	
(IV 11)	
Offer: 6,350 tons N.W.	7,810 tons S.W.
VI-22C Other Graphite Materials	
Request: See VI-22B	
Offer: \$550,000	55 tons S.W.
VI-23A Parchment Paper	
Request: 3,000 tons	
(II 47)	
Offer: 1,680 tons N.W.	1,865 tons S.W.
VI-23B Map Paper	
Request: 3,000 tons	
(II 46)	
Offer: 3,000 tons N.W.	3,300 tons S.W.

U.S.	
Ref. No.	
VI-23D Condenser Paper	
Request: 150 tons	
(II 48)	
Offer: 150 tons N.W.	175 tons S.W.
VI-23E Other Pulp, Paper, Etc.	
Request: 4,713 tons	
(IV 13)	
Offer: 4,713 tons N.W.	5,302 tons S.W.
189 tons old orders	
2,912 tons ammunition paper, new orders	
1,368 tons wrapping paper, new orders	
132 tons writing paper, new orders	
112 tons coated white paper, new orders	
New orders subject to acceptable specifications.	
VI-24 Paper Products	
Offer: \$12,000 (old orders only)	25 tons S.W.
VI-25A1 Photographic Film and Paper	
Offer: \$24,000 (old orders only)	140 tons S.W.
VI-25A2 Reproduction Paper Stock	
Request: 824 tons	
Offer: 824 tons N.W.	927 tons S.W.
224 tons old orders	
600 tons new orders	
VI-26B Asbestos Products	
Offer: \$100,000 (old orders only)	140 tons S.W.
VI-27 Buttons	
Offer: \$357,000 (old orders only)	320 tons S.W.
VI-98 Other Basic Materials	
Offer: \$21,000 (old orders only)	20 tons S.W.
VI-99 Other End Products	
Offer: \$10,000 (old orders only)	10 tons S.W.
Other Materials, including Metals and their Products (except Chemicals)	
Request: \$5,000,000	
(IV 13)	
Offer: \$9,575,000 new orders subject to acceptance of speci- fications, etc., after review by appropriate U.S. agencies where specific offers listed above are found inadequate for the realistic needs of the U.S.S.R.	12,925 tons S.W.

ANNEX III⁶

Subject to the terms of the Fourth Protocol, of which this is a part, the supplies set forth below are to be made available in addition to those selected from Annex II.

S.W.—Shipping weight packed for export.

N.W.—Net weight.

All tons are short tons of 2,000 pounds each.

Dollar valuations are estimates only.

⁶ Annex III was transmitted by letter of Apr. 26, 1945 from Maj. Gen. John Y. York, Jr., U.S. Army, Executive of the President's Soviet Protocol Committee, to Lt. Gen. L. G. Rudenko, Chairman of the Government Purchasing Commission of the Soviet Union in the United States. [Footnote in original.]

The estimated shipping weights shown below are for those quantities to be made available by June 30 only, and total 798,637 short tons (567,917 short tons dry cargo and 230,720 short tons *liquid cargo* in bulk).

Group I—Aircraft and Aircraft Equipment

Estimated shipping weight of quantities to be made available by June 30, 1945—
78,900 tons

U.S.

Ref. No.

I-1F Flying Boats—50 (30 by June 30, for flight-delivery) Catalina—PBV-5A
I-6B Airplane Landing Mats—53,000,000 sq. ft. (30,000,000 sq. ft. by June 30, 78,900 tons S.W.)

Group II—Military Supplies

Estimated shipping weight of quantities to be made available by June 30, 1945—171,845 tons.

U.S.

Ref. No.

II-2A Field Repair Trucks—654 (174 by June 30,—1,231 tons S.W.)
70—Automotive repair load B (M8) (after June 30)
440—Machine shop load A (M16) (100 by June 30)
70—Electrical repair (M18) (all by June 30)
70—Welding (Ordnance maintenance set L) (all by June 30)
4—Couse type field repair shops (all by June 30)

With the exception of 170 G.M.C. trucks for mounting 100 machine shops, load A (M16) and 70 electric repair shops (M18), truck chassis will be taken from offerings in Annex II.

II-3A1 Jeeps (¼ ton 4 x 4 trucks)—2,000 (all by June 30—3,000 tons S.W.)

II-3A2 Jeeps (Amphibian)—500 (all by June 30,—1,114 tons S.W.)

II-3B1 Trucks, ¾ ton—2,000 (all by June 30,—7,200 tons S.W.)
4 x 4 Weapons Carriers

II-3B2 Trucks, 1½ ton—23,000 (all by June 30,—114,490 tons S.W.)
11,000—4 x 2 cargo
12,000—4 x 4 cargo

II-3B4 Trucks, 2½ ton Amphibian—1,000 (all by June 30,—8,000 tons S.W.)
6 x 6 cargo DUKW

II-3D Trucks, Special Purpose—2,382 (1,602 by June 30,—11,229 tons S.W.)

104—1½ ton 4 x 4 dump (all by June 30)

104—2½ ton 6 x 6 dump (all by June 30) (chassis to be taken from Annex II offering)

4—Class 135, fire crash (all by June 30) (16 additional under study)

100—Snow plows, rotary type, gasoline engine driven on 6 ton 6 x 6 truck mounting (20 by June 30)

1,500—Tank trucks, gasoline, 2½ ton 6 x 6, 750 gal., gravity flow (chassis to be taken from Annex II offering) (1300 by June 30)

300—Tank trucks, gasoline, 2½ ton 6 x 6, 750 gal. with pump (chassis to be taken from Annex II offering) (after June 30)

200—Tank trucks, gasoline, 4 ton 6 x 6, 1200 gal. (after June 30)

70—Wreckers, heavy M1A1 (all by June 30)

II-31 Truck-Tractors With Trailers—300 (120 by June 30,—2,318 tons S.W.)

F-1A Fuel servicing units

(one tractor F-1 and one trailer F-1A, 4,000 gal.)

U.S.

Ref. No.

- II-4B1 Track-Laying Tractors—807 (614 by June 30—10,888 tons S.W.)
 - 628—Class II Prime mover or construction type with winch and hook (435 by June 30)
 - 179—Class III Prime mover or construction type, with winch and hook (all by June 30)
- II-7A2 Radio Stations Over 1 K.W.—15 (after June 30)
 - 5—7½ K.W.
 - 10—3 K.W.
- II-7B2 Radio Stations 1 K.W. and Under—235 (all by June 30,—930 tons S.W.)
 - 50—SCR 177-B
 - 185—SCR 399
- II-7D2 Radio Locators, Ground—30 (all by June 30—330 tons S.W.)
 - SCR 584
- II-8A Road and Airport Construction Equipment—280 units (\$1,784,320) (all by June 30,—4,139 tons S.W.)
 - 250—Graders, motorized, 12 ft. Mold board, diesel engine driven (\$1,658,500)
 - 30—Road rollers, 10 ton, gasoline engine driven (\$125,820)
- II-8B Tractor Mounted Construction Equipment—100 units (\$909,500) (all by June 30,—2,060 tons S.W.)
 - Tractors, class II with dozers.
- II-8C Mixers and Pavers, Bituminous and Concrete—35 units (\$278,820) (all by June 30,—410 tons S.W.)
 - 10—Distributors, Bituminous, trailer mounted 1,250 gal. (\$46,440)
 - 5—Loaders, aggregate, Barber Greene Model 82A (\$29,400)
 - 5—Mixers, asphalt, 110–200 tons Barber Greene Model 848 (\$76,280)
 - 5—Finishers, asphalt, Barber Greene Model 879A (\$38,500)
 - 10—Asphalt and soil plants, 2 units each (\$117,600)
- II-9A1 Steam Locomotives, R.R.—500 (after June 30)
 - 60" gauge, 2–10–0,—105 tons.
- II-9B1 Flat Cars, R.R.
 - 5,000 have been added to Annex II offering to meet this requirement and will be made available after June 30.
- II-9B3 Tank Cars, R.R.—1,000 (after June 30)
 - 60" gauge, 10,000 gal.
- II-10 Medical Supplies
 - Under study for supply from unused balance of Annex II offering.
- II-11C1 Portable Pipe Lines—3 units (after June 30)
 - Military 6", 100 mile units with pumps, etc.
- II-11C2 Portable Storage Tanks—56 (all by June 30—2184 tons S.W.)
 - Steel, gasoline or oil, horizontal, 10,000 bbl. capacity
- II-11E Pontoon Bridges—275 sets (all by June 30—1,902 tons S.W.)
 - 25—Bridge, floating, pontoon, 10 ton
 - 100—Trailers, 2-wheel utility, type II, trestle bay load, 10 ton pontoon
 - 150—Semi-trailers, special drop frame, 10 ton, pontoon (tractors for semi-trailers under study)
- II-11H Tents, Military—10,000 (1,500 by June 30—270 tons S.W.)
- II-11I Truck Assembly Sets—2 (all by June 30,—100 tons S.W.)
 - TUP assembly sets per SNL-N-348 but without truck-mounted cranes.
 - In addition, 1 unit formerly at Khorramshahr, Iran.

Group III—Naval and Marine Supplies

Estimated shipping weight of quantities to be made available by June 30, 1945-3,900 tons.

U.S.

Ref. No.

III-1B Tankers—10 (all by June 30, under own power)

Wye—182 ft.

III-1C Icebreakers—2 (all by June 30, under own power)

CR 98 and CR 99

III-1D Tug Boats—2 (all by June 30—100 tons S.W.)

Fire tugs, 65 ft.

III-1J Floating Repair Shops—6 (all by June 30—570 tons S.W.)

2—Barges, steel, 104 ft. machine shop

4—YR (to be towed)

III-2A Submarine Chasers, 110 ft.—56 (43 by June 30, under own power)

108 tons SC

III-2C Torpedo Boats—48 (12 by June 30—202 tons S.W.)

PT.

III-2D Minesweepers—60 (36 by June 30, under own power)

24—Am 625 ton (18 by June 30)

36—YMS (18 by June 30)

III-2E Escort Vessels—30 (10 by June 30, under own power)

Frigates

III-2G Landing craft—30 (all by June 30,—2,625 tons S.W.)

15—LCI (L) (under own power)

15—LCT (6)

III-2J Cargo Barges 2 (all by June 30,—403 tons S.W.)

6 x 18 twin motor pontoon barges

III-4H Collapsible Piers

Under consideration

Group IV—Foodstuffs and Related Products

(To be made available as shipped)

Estimated shipping weight of quantities to be made available by June 30,—188,185 tons.

IV-1B Wheat Flour—67,200 tons N.W. (all by June 30,—71,702 tons S.W.)

IV-1D Dried Peas and Beans—22,400 tons N.W. (all by June 30,—23,900 tons S.W.)

Beans

IV-2B Sugar from Other Sources—5,600 tons N.W. (all by June 30,—5,656 tons S.W.)

Granulated from Cuba

IV-3C Tushonka and Other Canned Meat

Canned meat under study

IV-4B1 Fat Cuts—6,720 tons N.W. (all by June 30,—8,736 tons S.W.)

IV-6A Canned Milk—3,360 tons N.W. (all by June 30,—4,167 tons S.W.)

Sweetened condensed

IV-6I Dried and Dehydrated Vegetables—6,720 tons N.W. (all by June 30,—9,408 tons S.W.)

3,360 tons N.W. Dehydrated potatoes

1,680 tons N.W. Dehydrated carrots

560 tons N.W. Dehydrated beets

1,120 tons N.W. Dehydrated onions

U.S.

Ref. No.

IV-6J Dried Soups—3,360 tons N.W. (all by June 30,—3,864 tons S.W.)

1,120 tons N.W. Dehydrated tomato soup

2,240 tons N.W. Tomato flakes

IV-8N Feed—56,000 tons N.W. (all by June 30,—60,752 tons S.W.)

Barley fodder

IV-8 P Tobacco—2,240 tons N.W. (after June 30)

Smoking—dependent upon receipt of acceptable specifications.

Group V—Machinery and Equipment

Estimated shipping weight of quantities to be made available by June 30, 1945—10,536 tons.

V-2B Compressors, Other—100 units (\$395,800) (all by June 30,—350 tons S.W.)

Air compressors, trailer mounted, 210 C. F. M.

V-4 Crushing, Pulverizing, Screening and Mixing Machinery and Equipment—20 units

(\$528,520) (all by June 30,—374 tons S.W.)

Crushing and screening plants, 25 cu. yd.

V-5 Conveyors and Conveying Systems—120 units (\$190,140) (all by June 30,—279 tons S.W.)

30—Type I, portable, horizontal 20' sec. with electric drive (\$48,900)

30—Type II, portable horizontal 20' driven sec. (\$43,800)

60—Portable slat conveyors, Jeffrey type 220-D, with wood apron (stackers) (\$97,440)

V-6B Cranes, Derricks, Hoists and Winches, Other—21 units (\$2,465,000) (all by June 30,—6,105 tons S.W.)

4—Cranes, floating K.D., 60 tons (\$860,000)

1—Crane, floating, 100 tons (\$525,000)

16—Cranes, portal wharf, 45 tons, 32 ft. ga. (\$1,080,000)

V-13B1 Generator Sets, Military—115 units (\$216,155) (all by June 30,—190 tons S.W.)

100—Charging sets, 5 K.W. (\$150,000)

10—Generating sets, 30 K.W. (\$39,380)

5—Generating sets, 50 K.W. (\$26,775)

V-13B3 Generator Sets, Other—14 units (\$195,842) (6 by June 30,—120 tons S.W.)

Mobile electric stations 250 K.W.

V-25 Woodworking Machinery—520 units (\$371,400) (all by June 30,—480 tons S.W.)

20—Sawmills, portable, gas engine driven, 60" saw (\$142,900)

500—Chain saws, portable, gas engine driven, 36" saw (\$228,500)

V-33 Gas Generating, Conditioning and Other Gas Producing Apparatus—36 units (\$1,400,000) (after June 30)

Oxygen plants, 100 C.F.M.

V-51 Well and Blast Hole Drilling Machinery—20 units (\$67,300) (all by June 30,—114 tons S.W.)

Well drilling machines, percussion, gas engine driven

V-52A Excavating and Dredging Machinery and Equipment—211 units (\$2,218,860) (146 by June 30,—2,524 tons S.W.)

100—Cranes, truck mounted, class XI, XII or XIV (\$630,000) (35 by June 30)

40—Crawler cranes, shovels or combinations Class III, 7-10 ton (\$504,000) (all by June 30)

20—Scrapers, road, cable operated, towed type, 8 yd. (\$68,100) (all by June 30)

1—Pile driver, 40', 2000 lbs., gas engine drive (\$5,460) (by June 30)

50—Cranes, crawler mounted, Class III with attachments (\$1,011,300) (all by June 30)

Group VI—Other Materials and Products

Estimated shipping weight of quantities to be made available by June 30, 1945,—114,551 tons dry cargo and 230,720 tons liquid cargo in bulk.

U.S.

Ref. No.

VI-1-25I Galvanized Tel. and Tel. Wire—4,500 tons N. W. (all by June 30,—4,950 tons S. W.)

VI-1-31 A & B Barbed Wire and Staples—5,850 tons N. W. (all by June 30,—5,982 tons S. W.)

VI-1-101 A & B R.R. Rails and Accessories—100,236 tons N. W. (all by June 30,—101,238 tons S. W.)

Includes turnouts and switches

VI-3A4 Bare Copper Cable and Wire—1,176 tons N. W. (all by June 30,—1,411 tons S. W.)

VI-6A3 Field Telephone Wire

To be supplied from Annex II

VI-6A4 Other Insulated Wire and Cable—72,167 ft. (\$47,604) (all by June 30,—221 tons S. W.)

VI-6C Fabricated Structural Iron and Steel—70 units (\$127,600) (all by June 30,—89 tons S. W.)

Quonset huts, 40' x 100' x 20', clear on inside.

VI-7B Other Metal End Products—1,000 units (\$23,000) (all by June 30,—60 tons S. W.)
Cylinders, gas, empty, oxygen, 220-240 cu. ft.

VI-9A Aviation Gas Over 99 Octane—134,400 tons N. W. (all by June 30,—134,400 tons S. W. liquid cargo in bulk)

VI-9D Automotive Gas—78,400 tons N. W. (all by June 30,—78,400 tons S. W. liquid cargo in bulk)

VI-9H Lubricating Oils and Greases—17,920 tons N. W. (all by June 30,—17,920 tons S. W. liquid cargo in bulk)

11,200 tons N. W. aviation oil

6,720 tons N. W. motor oil

VI-11A Cotton Cloth

Material for 100,000 pillow ticks and 13,200,000 yds. cotton cloth under study.

VI-11B Woolen Cloth—7,000,000 yds. (after June 30)

3,000,000 yds. overcoating

4,000,000 yds. uniform

VI-12B Other Textile Products—(all by June 30,—600 tons S. W.)

100,000 Blankets, wool

100,000 Mattress covers, heavy

100,000 Sheets, standard

100,000 Pillow cases, standard

VI-19A Army Boots

Under study

UNITED KINGDOM SCHEDULE OF SUPPLIES AND SHIPMENTS FOR THE FOURTH SOVIET PROTOCOL

The Government of the United Kingdom undertake, subject to the provisions of the Protocol and to the marginal comments in respect of particular items, to make available for despatch to the Government of the Union of Soviet Socialist Republics during the period the 1st July, 1944, to the 30th June 1945, the supplies set out below.

The Government of the United Kingdom undertake, subject to the provisions of Article II of the Protocol, to provide the shipping tonnage necessary, with any Soviet tonnage which may be available, to lift the supplies set out

below, save that such undertaking will not apply to supplies originating in Australia and New Zealand, nor to supplies originating in North America, which, by agreement between the Governments of the United States and the United Kingdom, are to continue to be carried in United States ships. These supplies will be despatched either to the Persian Gulf, the Black Sea or to Soviet Northern ports, whichever, in the light of changing circumstances, proves from time to time to be more practicable. In the choice of routes for the despatch of particular supplies, regard will be had to the wishes of the Soviet Government so far as the factors mentioned in Article II of the Protocol permit.

Except where otherwise stated, the amounts offered under Group II of the United Kingdom Schedule include any outstanding balances of items agreed to be supplied under the Third Protocol which were not shipped or booked for shipment on a named vessel before the 1st July, 1944, as well as any quantities of such items which have been lost in transit to the Union of Soviet Socialist Republics before the 1st July, 1944, where agreement to replace such losses had not been communicated to the Soviet authorities before the said date.

It is appreciated that reasonable stockpiles of stores must be maintained, so that the Union of Soviet Socialist Republics can, as shipping opportunities occur, select cargo for shipment that is most needed to meet the ever-changing requirements of war. However, the United Kingdom reserves the right to limit the size of such individual stockpiles either by control of production or diversion of product or both, when in its judgment such action is in the best interest of the common cause. In taking such action due consideration will be given to the expressed needs of the Union of Soviet Socialist Republics.

PROGRAMME OF SUPPLIES FROM THE UNITED KINGDOM TO THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE FOURTH PROTOCOL PERIOD

(Weights in long tons, unless otherwise stated; price in sterling)

Group I.—Armaments and Military Equipment

1. "Spitfire" Aircraft. 1,050.
50 aircraft monthly during the period July–September 1944, and 100 aircraft monthly during the period October 1944–June 1945 inclusive. Spare parts are to be supplied on the same scale as during the Third Protocol Period.
2. Propellants.—Cordite R.S. 3,000 tons. The possibility of supplying a further 1,000 tons will be considered.
3. Aviation Spirit and Components
Aviation Spirit (100/130 Grade). 240,000 short tons;
Aviation Spirit Components (alkylates). . . . 60,000 short tons.
Aviation spirit and components will be made available at Abadan in accordance with the Agreement with the Government of the United States by which the latter will make available a similar quantity to the Government of the United Kingdom out of the quantity of aviation spirit allocated to the Government of the Soviet Union by the Government of the United States.

4. Motor Spirit, 70 Octane..... 60,000 tons will be made available at Abadan from August to December 1944 inclusive. The monthly quantities will be fixed in accordance with available drumming and transport capacity across Persia.
5. Radar Equipment (Radio Location Sets)
- Item (i) *Army Equipments*
- A.A. No. 4 Mark III (vehicle)..... 25 sets.
- S.L.C. 150 cm. projectors with generators. 470 reconditioned sets: offer under consideration by the Government of the U.S.S.R.
- C.A. No. 1, Mark III*..... 4 sets. To be supplied in April 1945.
- C.A. No. 1, Mark II*..... 4 sets.
- Item (ii) *Navy Equipments*
- Type 271..... 10 sets.
- Type 277..... 40 sets.
- Item (iii) *Air Equipments*
- H.2.S., Mark II..... Under consideration by the Government of the United Kingdom.
- A.I., Mark VIII B..... 55 sets.
- Homing beacons A.I.
- Type TR 3236..... 10 sets.
- Type TR 3559..... 10 sets.
- I.F.F. Mark III (Ground)..... 10 sets.
- GEE, Mark II (Airborne)..... 300 sets.
- GEE, Mark II (Ground)..... 3 sets.
- Item (iv) *Radio Valves*..... 393,200, of which 186,200 will be released from stocks and 207,000 from production.
- Item (v) *Radio Test Equipment*..... Under consideration by the Government of the United Kingdom.
6. Naval Equipment
- Item (i) *Mine Trawling and Navigational Equipment*
- Asdic Sets*
- Type 144..... 80.
- Type 129..... 50.
- Item (ii) *Electromagnetic Trawls*..... 14 sets.
- Item (iii) *L. A. A. Sweeps*..... 10 sets.
- Item (iv) *Portable installations for trawling mines near piers and moorages*.... 3 sets.

Group II.—Raw Materials

Item

1. Rubber..... 24,000 tons from Ceylon.
2. Nickel..... 1,000 short tons.
3. Copper..... 3,000 tons.
4. Lead..... 500 tons.
5. Sisal Trawl Twine..... 500 tons.
6. Industrial Diamonds to the value of..... £48,321 9s. 11d.

Requests by the Government of the U.S.S.R. for additional supplies of raw materials will be considered in relation to the supply position at the time the request is submitted.

Group III.—Industrial Equipment

Requests by the Government of the U.S.S.R. for Industrial Equipment will be considered in relation to the capacity and materials existing at the time the request is submitted.

Group IV.—Medical Supplies

SECTION I: DRUGS

Item	
1. Aspirin.....	75 tons.
2. Atebrin.....	20 tons of Mepacrin Hydrochlor. 0.1 G Tablets 200 mill.
3. Acetanalide.....	100 tons.
4. Barium Sulphate (for X-Ray Apparatus).....	10 tons.
5. Hexonal.....	1,000,000 ampoules of Hexobarbitone Sol. 1 G.
6. Diuretin.....	4 tons of Teobromin Sod. Salicyl.
7. Insulin, 40 units per c.c.	200,000 x 5 c.c. bottles.
8. Insulin Zincprotamine.....	120,000 x 50 c.c. bottles.
9. Nicotinic Acid.....	300 kilog.
10. Citric Acid.....	1,000 kilog.
11. Potassium Bromide.....	5 tons.
12. Compolon.....	50,000 x 2 c.c. ampoules of Extract Hepatis.
13. Codein, Pure.....	1 ton.
14. Caffein, Pure.....	4 tons. The possibility of supplying the balance in an alternative substance is being considered.
15. Cocoa-Butter.....	20 tons.
16. Camphor in Oil (20 per cent).....	15,000,000 x 1 c.c. ampoules.
17. Chaulmoogra Oil.....	1 ton.
18. Alepol.....	10 kilog.
19. Magnesia (MgO).....	9 tons of Magnesium Oxide.
20. Novakain.....	3 tons of Procaine Hydrochlor.
21. Sodium Bicarbonate.....	50 tons.
22. Pyridine, Pure.....	20 tons.
23. Peptone.....	3 tons.
24. Pyridine Solvent.....	20 tons.
25. Papaverine.....	150 kilog. of synthetic equivalent. Further offer under consideration.
26. Rivanol.....	3 tons of Euflavine.
27. Sulphanilamide.....	30 tons.
28. Sulphidine.....	5 tons of Sulphapyridine.
29. Strophantus Seeds.....	2 tons.
30. Nux-Vomica Seeds.....	3 tons
31. Strychnine Nitras.....	50 kilog.
32. Salygran.....	250,000 ampoules x 2 c.c. of Inj. Mersalyl B.P.
33. Terpene Hydrate.....	3 tons.
34. Theobromine, Pure.....	5 tons.
35. Phenacetin.....	15 tons
36. Chloral-Hydrate.....	10 tons.
37. Cardiamin.....	1,300,000 x 2 c.c. ampoules of Inj Nikethamide B.P.
38. Codeine Phosphate.....	1 ton.
39. Maltose.....	½ ton of B.P.C.
40. Salicylic Acid, Technical.....	50 tons.

Item

41. Sodii Citras.	2 tons.
42. Sodii Salicylas.	5 tons.
43. Moogrol.	500 litres.
44. Neostibozan.	35,000 x 15-gramme ampoules of Sulbamidine.

SECTION II: NEUROSURGICAL INSTRUMENTS AND EQUIPMENT

1. Scissors, "Schmeidens"	250.
2. Hooks, "Duramater," sharp and blunt.	500.
3. Forceps, "Cairns," curved.	4,000.
4. Forceps, "Halstead," straight.	4,000.
5. Forceps, "Halstead," artery.	5,000.
6. Scissors, "Schmidt," for brain membrane.	600.
7. Forceps, "Borchard," for laminectomy.	500.
8. Scissors, "Dural," curved.	500.

SECTION III: SURGICAL INSTRUMENTS

1. Oxygen Apparatus.	50.
2. Pneumothorax Apparatus, Dr. Chandler's pattern, with accessories.	150.
3. Spinal Manometer.	10.
4. Stomach Tubes.	1,000.
5. Laryngeal Mirrors.	1,500.
6. Nasopharyngeal Mirrors.	500.
7. Cautery Instruments for Lung Cauterisations.	350.
8. Clamps, "Mickulitz"	750.
9. Towel Clips, "Backhaus"	2,500.
10. Hooks, Four-Pronged, blunt.	250.
11. Scissors, Surgical, blunt-pointed.	25,000.
12. Scissors, "Cooper" 14.5-cm. length.	12,000.
13. Scissors, "Sauerbruch," for the first rib.	200.
14. Scissors for taking down the "Lister" Bandages (plaster scissors).	25,000.
15. Shadowless Lamps.	250.
16. Electrical Sterilising Units.	2,000.
17. Thorascopes with Accessories.	100.
18. Ice Bags.	300,000.
19. Syringes, "Record," various.	25,000.
20. Foulis Tourniquets.	50,000.
21. Rubber Tourniquets, various.	150,000.

SECTION IV: OPHTHALMOLOGICAL INSTRUMENTS AND APPARATUS

1. Eye-Scalpels, "Landolts," various.	3,500.
2. "Graefe's" Linear Cataract Knives, 3 sizes.	1,500.
3. Needles for removing foreign bodies from eyes.	1,500.
4. "Weber" Knives for Lachrymal Duct.	1,000.
5. Needles, Cataractic, straight.	1,500.
6. Chisels for removing foreign bodies.	3,000.
7. Hooks for Iris, sharp and blunt.	500.
8. Hooks, Four-Pronged, for eye resection.	750.
9. "Graefe" Cystitomes, right and left.	250.
10. Loupes "Berger"	500.
11. Ophthalmoscopes, Electrical, with A. C. Feeder.	150.
12. Ophthalmoscopes, "Lister-Loring"	10.
13. Eye Diathermy Apparatus, "Moorfield" type.	7.
14. Large Optometric Glasses, various.	1,000 sets.
15. "Hanovia" Lamps.	5.

SECTION V: OPTICS

Item

1. Rims, "Diplomatic," for Spectacles.....	10,000.
2. Frames, various, for Spectacles.....	10,000.
3. Rims, Universal, "Zeiss," for Trying Spectacles ..	10.
4. Spherometers.....	15.

SECTION VI: X-RAY EQUIPMENT

1. X-Ray Apparatus, Stationary.....	150.
2. X-Ray Apparatus, Portable.....	40.
3. X-Ray Apparatus, Mobile.....	10.
4. X-Ray Valves, Diagnostic, for 10 kw.....	500.
5. X-Ray Tubes, Diagnostic, for 10 kw.....	1,000.
6. Glass for Viewing Boxes.....	2,000.
7. Lead Rubber Aprons.....	200.
8. "Levy-West" Fluorescent Screens for X-Ray Examination, with Lead, Glass and Frame, 30 x 40.....	500.
9. X-Ray Apparatus for Deep X-Ray Therapy, 200 volts, 10-20 milliamper.....	2 units.

SECTION VII: PHYSIO-THERAPEUTICAL EQUIPMENT

1. Clamps, for stretching.....	500.
2. Tables, Portables, for stretching and applying the Plaster of Paris Bandages.....	3.
3. Apparatus, Mechano-Therapeutical, for Upper and Lower Extremities.....	20 units.
4. Hospital Beds with "Hoskins" Suspension Apparatus.....	5.
5. Sets of Chisels, for Spinal Column, straight and grooved, "Putti" type.....	6 sets.
6. Chisels, for Spinal Column, straight and grooved, "Hibes" type.....	2.

SECTION VIII: LABORATORY EQUIPMENT

1. Blood Register Chambers.....	1,500 "B" type, further supply under consideration.
2. Microscopes, large size, binocular, each with achromatic condensers and sets of accumulators.....	6.

SECTION IX: DENTISTS INSTRUMENTS

1. Arms, Flexible, for Foot Engines.....	500.
2. Arms, Flexible, wall type.....	500.
3. Drills, Beutebrock's, assorted.....	10,000.
4. Mandrels, Screw-type.....	2,500.
5. Abrasive Points and Wheels.....	250,000.
6. Electric Lathes.....	500.
7. Handpieces.....	5.
8. Handpieces, straight.....	3,000.
9. Handpieces, contra-angle.....	3,250.
10. Magnifying Mirrors.....	3,000.
11. Dental Engine, upright type.....	100.
12. Dental Engine, wall type.....	160.
13. Dental Rubber.....	20 tons.

SECTION X: OTOLARYNGOLOGICAL INSTRUMENTS AND EQUIPMENT

Item

1. Mouth Gags.....	300.
2. Transilluminating Apparatus "Coakley's".....	500.
3. Lancets Laryngeal.....	200.
4. Curettes "Beckman," various.....	2,000.
5. Trocars.....	500.
6. Aural Polypus Forceps.....	2,500.
7. Syringes, Urethral, Glass.....	1,500.
8. Bougies Oesophageal, Sizes 10-30.....	250 sets.
9. Bougies Urological, Sizes 8-20.....	250 sets.

SECTION XI: REAGENTS

1. Ammonium Acetate.....	100 kilog.
2. Ammonium Molybdate.....	2 kilog.
3. Ammonium Vanadinat.....	300 grammes.
4. Ammonium Rhodanid.....	2 kilog.
5. Benzatrone.....	50 grammes.
6. Benthlazoline.....	50 grammes.
7. Brucine.....	2 grammes.
8. Bentiozolan.....	Under consideration.
9. Hydroxylamin Muriatic.....	100 kilog.
10. Galactose.....	50 kilog.
11. Hydantoin.....	Under consideration.
12. Diphenylamin.....	100 kilog.
13. Diphenylantrone.....	Under consideration.
14. Dimethylanilin.....	50 kilog.
15. Dimethyl-Amino-Azo-Benzene.....	50 grammes.
16. P-Dinitro-Phenol.....	50 grammes.
17. Diethylamino-Sulpho-Naphtyl.....	Under consideration.
18. Iosamilamin.....	Under consideration.
19. Isonicotinic Acid.....	25 kilog.
20. Lauric Acid.....	10 kilog.
21. Ac. Oleic.....	60 kilog.
22. Acidum Pyrogallicum.....	200 kilog.
23. Acc. Trichloracetic.....	120 kilog.
24. Kalinmoxalat.....	50 kilog.
25. Kupferon.....	150 kilog.
26. Viola Crystalline.....	50 kilog.
27. Acid Sulphanilic.....	10 kilog.
28. Potash Iodelum.....	50 grammes.
29. Kobalt Piro Vinogradny.....	50 grammes.
30. Potassium Tellurite.....	0.5 kilog.
31. Litmus in Cubes.....	150 kilog.
32. Lacmoid.....	100 kilog.
33. Laevulosa.....	5 kilog.
34. Oil Cedar.....	500 kilog.
35. Methyl Violet.....	50 kilog.
36. Carbamide.....	200 kilog.
37. Magnesium Chloride.....	250 kilog.
38. Manganese Sulphate.....	200 kilog.
39. Methylbenzothiosol Methyl iodide.....	Under consideration.
40. Naphthalen—Alpha.....	50 kilog.
41. Naphthalen—Beta.....	100 kilog.
42. Naphtol-Sodium-Sulphonate.....	Under consideration.
43. Sodium Dihydroxythionate.....	Under consideration.
44. Sodium Alisarín-Sulphonate.....	5 kilog.
45. Natrium Wolframate.....	5 kilog.

Item	
46. Natrium Nitroprusside	10 kilog.
47. Natrium Sulphurium	3 kilog.
48. Natrium Oxalate	5 kilog.
49. M-Nitro-Phenol	1 kilog.
50. P-Nitro-Phenol	1 kilog.
51. Ninhydrine	50 grammes.
52. Natrium Stearate	10 kilog.
53. Oropon	100 kilog. alternative offered.
54. Indol Oxide	Under consideration.
55. Paranitrophenol	50 kilog.
56. Permutit	1 kilog.
57. Pentose Nucleotide	50 kilog.
58. Palladium Sulphate	0.5 kilog.
59. Palladium Bromum	0.5 kilog.
60. Peloidin	Under consideration.
61. Palladium Iodinum	0.5 kilog.
62. Piperidine	0.5 kilog.
63. Dichlorophenolindophenol	200 grammes.
64. Triacetoneid	25 grammes.
65. Thymol	75 kilog.
66. Thiopene	15 kilog.
67. Phenylpropyl-Alcohol	10 kilog.
68. Phenetole	25 kilog.
69. Phenyldiamine (Basic)	25 kilog.
70. Phenolphthalein	1.8 kilog.
71. Quinoxyl	200 grammes.
72. Cholesterin	20 kilog.
73. Eosin	300 grammes.
74. Eukonogen	Under consideration.

SECTION XII: HOMOEOPATHIC DRUGS

1. Aurum Metal	100 grammes.
2. Gold Potassium Iodide	40 grammes.
3. Aurum Muriat	20 grammes.
4. Arsenic Iodide	2,000 grammes.
5. Moschus	40 grammes.

CANADIAN SCHEDULE OF SUPPLIES

Subject to the provisions of this Protocol, the Canadian Government offers in the following Schedule, for shipment during period July 1, 1944 to June 30, 1945, supplies totalling approximately 490,000 short tons, shipping weight dry cargo. It will be necessary for the Government of the Union of Soviet Socialist Republics to select, for shipment during the Protocol period a program which, together with other supplies to be shipped from the Western Hemisphere, does not exceed the shipping capacity to be made available from this area. The items which comprise the unshipped balance of the Third Protocol, amounting to approximately 100,000 short tons, are to be included in the selection.

It is appreciated that reasonable stockpiles of stores must be maintained, so that the Union of Soviet Socialist Republics can select cargo for shipment that is most needed to meet the ever-changing requirements of war. However,

Canada reserves the right to limit the size of such individual stockpiles either by control of production or diversion of product, or both, when in its judgment such action is in the best interests of the common cause. In taking such action due consideration will be given to the expressed needs of the Union of Soviet Socialist Republics.

Except as specified, supplies for the Government of the Union of Soviet Socialist Republics from Canadian schedules will be made available as nearly as practicable in equal monthly instalments. The items in these schedules of supplies are offered subject to the ability of Canada to meet the specifications requested by the Union of Soviet Socialist Republics.

Group I.—Military

1. Lorries CZ2.	5 units
2. Valentine Tank Spares.	6 sets
3. Early Warning Radar Sets.	5 units
4. Radar R.X.C. Spares.	10 units
5. Radar Equipment CDX (R.E.X.).	5 units
6. I.F.F. Equipment for G.L. Mk. III.	13 units
7. Explosives. up to	10,662 short tons

Naval Equipment

1. Oxygen Producing Plants.	20 units
2. Wooden Minesweepers.	5 units

Group II.—Metals, Etc.

1. Aluminum ingots.	21, 000 short tons
2. Duraluminum	
(a) Rods.	680 short tons
(b) Tubes.	120 short tons
3. Nickel.	2, 740 short tons
4. Ferro-tungsten.	150 short tons
5. Zinc.	5, 000 short tons
6. Alloy Steel.	16, 159 short tons
7. Magnesium.	1, 000 short tons

Group III.—Railway Equipment

1. Flat Cars.	1, 000 units
2. Steel Rails. up to	41, 900 short tons

Group IV.—Industrial Equipment

1. Machine Tools. up to	\$ 7, 000, 000
2. Hammersmith's and Press Equipment. up to	\$ 4, 000, 000
3. Power and Electric Equipment. up to	\$21, 000, 000
4. Miscellaneous Equipment. up to	\$12, 000, 000

Group V.—Foodstuffs

1. Wheat and Flour (minimum).	199, 000 short tons
2. Soya Bean Flour.	6, 000 short tons
3. Rolled Oats.	10, 000 short tons
4. Lard.	10, 000 short tons

Group VI.—Services

1. Ship repairs and servicing of vessels (as approved by Canadian Mutual Aid Board from time to time)	
Estimated Tonnage of Fourth Protocol.....	391, 371 short tons
Unshipped Balance of Third Protocol.....	100, 000 short tons
(Estimated carry-over at June 30, 1944)	<hr/>
Total of the Estimates of Fourth Protocol Tonnage and of the Unshipped Tonnage of Third Protocol.....	491, 371 short tons

LOCAL SURRENDER OF GERMAN AND OTHER FORCES IN SOUTHWEST

*Instrument signed at Caserta, Italy, April 29, 1945, with appendixes
Instrument entered into force April 29, 1945; appendixes effective
May 2, 1945*

United States and Italy 1936-1946: Documentary Record, Department of State publication 2669 (U.S. Government Printing Office, 1946), p. 128

[TRANSLATION]

INSTRUMENT OF LOCAL SURRENDER OF GERMAN AND OTHER FORCES UNDER THE COMMAND OR CONTROL OF THE GERMAN COMMANDER-IN-CHIEF SOUTHWEST

1. The German Commander-in-Chief Southwest hereby surrenders unconditionally all the forces under his command or control on land, at sea and in the air and places himself and these forces unconditionally at the disposal of the Supreme Allied Commander, Mediterranean Theatre of Operations.

2. All armed forces under the command or control of the German Commander-in-Chief Southwest will cease all hostilities on land, at sea and in the air at 1200 hours (Greenwich mean time) on 2 May 1945. The German Commander-in-Chief Southwest undertakes to arrange accordingly.

3. The German Commander-in-Chief Southwest undertakes to carry out the orders set out in Appendices "A", "B" and "C" and any further orders of the Supreme Allied Commander, Mediterranean Theatre of Operations. Disobedience of such orders or failure to comply with them will be dealt with in accordance with the accepted laws and usages of war.

4. This instrument will enter into force immediately on signature and the orders in Appendices "A", "B" and "C" will become effective on the date and at the time specified in paragraph 2 above.

5. This instrument and accompanying orders are drawn up in the English and German languages. The English version is the authentic text. If any doubt as to meaning or interpretation arises, the decision of the Supreme Allied Commander is final.

6. This instrument is independent of, without prejudice to, and shall be superseded by any general instrument of surrender imposed by or on behalf

of the United Nations and applicable to Germany and the German armed forces as a whole.

SCHWEINITZ

Victor von Schweinitz,
Lieutenant Colonel in the General Staff of
Army Group C,
for Colonel General von Vietinghoff-
Scheel,
Commander-in-Chief Southwest and Com-
mander-in-Chief of Army Group C.

MORGAN

W. D. Morgan,
Lieutenant General, Chief of Staff,
for Field Marshal The Honourable Sir
Harold R. L. G. Alexander,
Supreme Allied Commander of the Med-
iterranean Theatre of Operations.

WENNER

Eugen Wenner,
SS-Sturmbannfuhrer and Major in the
Waffen-SS,
for SS-Obergruppenfuhrer and General of
the Waffen-SS Wolff,
Supreme Commander of SS and Police and
plenipotentiary General of the German
Wehrmacht in Italy.

Signed at CASERTA, Italy.

29th April 1945

1400 Hours

APPENDIX "A"

ORDERS FOR GERMAN LAND FORCES

1. The term "German Land Forces" wherever used in these orders shall be deemed to include all German and Italian Republican military or para military forces or organisations, under the command or control of the German Commander-in-Chief Southwest, who is hereafter referred to as "the German Authority".

2. The Term "Supreme Allied Commander" will be deemed to include all subordinate Allied Commanders.

3. The German Authority will send to HQ 15 Army Group, as soon as possible after the signing of the instrument of surrender, senior representatives with full executive powers to carry out the following orders and such further orders as the Commanding General, 15 Army Group, may issue for compliance by the German Land Forces.

"Stay-Put" Order

4. All formations, units and sub-units of the German Land Forces, wherever they may be, will remain in their present positions and in their existing formations pending further orders from the Supreme Allied Commander. Only such local movement is permitted as is essential for the transmission of orders, the supply of food, water, forage and petrol and the treatment of sick and wounded. (See also paragraph 7.)

5. In particular, all large scale road and rail movement between ITALY and any point outside ITALY is absolutely prohibited. Any movement east of the ISONZO River will be liable to air attack without warning.

Disarmament of German Land Forces

6. All German Land Forces will be completely disarmed. They will hand over their arms, ammunition, equipment and all war-like stores at places and times and in a manner to be further ordered by the Commanding General, 15 Army Group, or any of his subordinate Commanders.

Maintenance of German Land Forces

7. The German Authority will, pending further orders from the Supreme Allied Commander, maintain its own forces from its own resources. Purchase or requisition from local sources is forbidden.

Status of Surrendered Personnel

8. All personnel of the German Armed Forces shall be subject to such conditions and directions as may be prescribed by the Supreme Allied Commander. At the Supreme Allied Commander's discretion, some or all of such personnel may be declared to be prisoners of war.

Prohibition of Destruction and Damage

9. The German Authority will prevent the removal, destruction of or damage to, and will safeguard in good condition at the disposal of the Supreme Allied Commander:

a. All arms, ammunition, explosives and war-like stores, equipment, vehicles, material of all kinds, fuel and oil stocks, and any items of supply used by or for members of the German land forces.

b. All military installations and establishments, including permanent and temporary land fortifications, fortresses and fortified areas together with all plans and drawings of the same.

c. All transportation and communications facilities and equipment, including all ports and port facilities and equipment, roads, railways, waterways, bridges, tunnels and telecommunications systems.

d. All civil and industrial factories, installations and plant workshops, laboratories, experimental stations, stores, equipment, supplies, raw materials and finished products, buildings and civil property.

e. All cryptographic methods and equipment, cyphers, codes and call-sign systems, whether military, diplomatic or civilian.

f. All military, para military and civil documents, records and archives.

Provision of Information and Facilities

10. The German Authority will forthwith furnish to the Supreme Allied Commander:

a. Complete information regarding the German Land Forces and in particular such details as the Supreme Allied Commander may require concerning the numbers, locations, dispositions, stores and equipment of the German Land Forces wherever located.

b. Complete information concerning mines, minefields and other obstacles to movement and the safety lanes in connection therewith.

c. Such military, para military and civil documents, records and archives as the Supreme Allied Commander may require.

11. The German Authority will:

a. Maintain in operation all public utility and essential civilian services.

b. Clearly mark and maintain safety lanes through all minefields and other obstacles to movement.

c. Remove or render safe all demolition charges and all booby-traps.

d. Make available for the Supreme Allied Commander such military personnel with the necessary equipment, as he may require, for the clearance of mines, minefields and other obstacles to movement; and such labour as he may require for any purpose.

Disposal of Prisoners of War and of Persons in Custody

12. The German Authority will release in accordance with the instructions of the Supreme Allied Commander all prisoners of war (naval, military or air) at present in their power and will furnish forthwith complete lists of these persons with the places of their detention. Pending release of such prisoners of war, the German Authority will continue to protect them in their persons and property, and accord them such treatment and facilities as are prescribed under the Geneva Convention.¹

13. The provisions of paragraph 12 preceding will be applied by the German Authority equally to all other persons who are confined, interned or otherwise under restraint for political reasons or as the result of any action, law or regulation originating from discrimination on grounds of nationality, race, colour, creed or political belief. Such persons as are not entitled to treatment in accordance with the Geneva Convention will be afforded comparable rights and amenities in accordance with their rank or official position.

14. Without prejudice to any other provisions in these orders, the German Authority will hand over to the Supreme Allied Commander the control of all places of detention.

Radio and Telecommunications

15. The use of military and civil radio and land line communication systems is permitted with the provisos that:

a. All messages and signals will be made in clear.

¹ Convention signed at Geneva July 27, 1929 (TS 846), *ante*, vol. 2, p. 932.

b. All forms of scrambling and secrecy equipment will be disconnected and safeguarded intact.

Maintenance of Discipline

16. The German Authority will remain responsible for the maintenance of discipline throughout the German Land Forces as defined in paragraph 1 above.²

Treatment of Allied Liaison Officers and Italian Government Forces in German-Occupied Italy

17. Italian Government Forces in Northern Italy comprise all partisan formations and organisations owing allegiance to the CLNAI, which is the recognised delegate in German-occupied Italy of the Italian Government. Immediate control of these groups is exercised through Allied and Co-belligerent officers operating in conjunction with these forces in the field. Such officers are being instructed immediately to get in touch with local German commanders.

18. The German Commander-in-Chief Southwest and all German subordinate commanders will receive and afford all facilities to these Allied or Co-belligerent officers together with representatives of the CLNAI for the purpose of establishing and maintaining pending arrival of Allied forces, liaison with the following objects:

- a. The general maintenance of law and order.
- b. The maintenance of all essential civilian services.
- c. The provision of communications and transport which may be necessary for the adequate distribution of supplies and the continuance of local administration.

19. For the execution of the above functions all Allied Liaison officers will be considered as the representatives of the Supreme Allied Commander. They will be afforded complete freedom of communication by any means.

APPENDIX "B"

ORDER FOR GERMAN AND GERMAN CONTROLLED NAVAL FORCES AND MERCHANT SHIPPING

1. a. The term "German Naval Forces" wherever used in these orders will be deemed to include all German and Italian Republican naval or para naval forces or organisations under the command or control of the German Naval Commander South or the German Commander-in-Chief Southwest.

² Until such time as this responsibility is taken over by Allied troops, e.g., until German troops become prisoners of war, German commissioned officers and military police (*Felder gendarmerie* and *Geheim feld polizei*) will retain their hand weapons. [Footnote in original.]

b. The term "German Authority" wherever used in these orders will mean the German Naval Commander South and the German Commander-in-Chief Southwest, both severally and jointly.

2. The term "Supreme Allied Commander" will be deemed to include all his subordinate commanders.

3. The German Authority will cause:

a. All such surface warships, auxiliaries and merchant vessels as are under his command or control, at sea at the time and date of surrender, wherever they may be, to return to their normal port or base. Armaments of these ships are to be trained fore and aft.

b. All ocean going U-boats at sea to surface and fly a black flag or black pendant by day and to remain undarkened by night and show navigation lights. All ocean going U-boats at sea to be ordered to proceed to Gibraltar, reporting on 500 Kilocycles to the nearest Allied Wireless Station their estimated time of arrival at Europa point. Small enemy submarines at sea in the Adriatic or Ligurian Seas are to be ordered to return to Pola or Genoa respectively.

c. All such warships, including submarines of all types, auxiliaries, and merchant vessels as are under his command or control, which are in harbour, to remain there.

d. All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of or under German control at the time of surrender, to proceed at the dates and to the ports or bases specified by the Supreme Allied Commander's representatives.

4. The German Authority will at once cause all such warships, surface or submarine, auxiliaries, merchant ships and other craft in harbour, as are under his command or control, to comply with the following orders:

a. No ship, vessel or craft of any description including harbour craft, whether afloat, under repair or construction, built or building, is to be damaged or scuttled, nor is any damage to be done to its hull, machinery or equipment.

b. Ammunition is to be retained on board until further orders.

c. Armaments are to be rendered inoperative by removal of essential portions of the firing mechanisms, but such mechanisms, and the armament in general are not to be damaged or destroyed. Fire control equipment is to be maintained on board fully efficient. All weapons are to be trained fore and aft.

d. All small arms are to be landed, and safeguarded.

e. Ships are to remain undarkened by night.

f. Colours are to be struck and not rehoisted.

g. With the exception of minesweepers and harbour tugs and vessels, all warships, surface and submarine, and auxiliaries, are to be reduced to 20% of their complement of officers and men, except such ships or craft as are required to remain in operation to comply with the instructions in paragraph 7*h* (1). The officers and men removed are to be placed in shore barracks where they are to remain under naval discipline. The crews of merchant vessels are to remain on board their ships.

h. Minesweepers are to be subjected to the degree of disarmament prescribed in sub para *c* above, but are to be prepared immediately for minesweeping service under the orders of the Supreme Allied Commander's representatives, and are to be complete with fuel.

i. Wireless transmitting apparatus is to be rendered inoperative by removal of essential parts, but no wireless apparatus is to be damaged or destroyed.

j. All callsign, code and cypher systems, including books, documents, files and cryptographic machinery, are to be removed from ships and placed under guard ashore. International code and callsigns are to be retained on board.

5. The German Authority will cause all such warships, surface or submarine, auxiliaries, merchant ships and other craft at sea as are under his command or control to be instructed to comply with the orders in paragraph 4 above immediately on return to harbour.

6. The German Authority will immediately ensure that German naval aircraft under his command or control:

a. Do not leave the ground or base or ship until further orders are received from the Supreme Allied Commander's representatives.

b. Already in the air, land or alight forthwith.

7. The German Authority will immediately take action to ensure compliance with the following orders:

a. No demolitions are to be carried out to harbour or port facilities of whatever nature; to naval establishments ashore; to scientific or experimental centres or laboratories; to telecommunication and radar stations; to power and water installations; to stores and industrial equipment; to documents records and archives of naval interest; which are to be preserved and kept free from damage or destruction pending receipt of further orders from the Supreme Allied Commander's representatives. All necessary steps are to be taken, and orders issued, to prohibit any act of sabotage, scuttling or contamination of fuels.

b. All boom defences at all ports and harbours are to be opened and kept open at all times. Where possible, they are to be removed.

c. All controlled minefields at all ports and harbours are to be disconnected and rendered ineffective.

d. All demolition charges in all ports and harbour works are to be removed or rendered ineffective, and their presence indicated by appropriate signs.

e. The existing wartime system of navigational lighting is to be maintained except that all dimmed lights are to be shown at full brilliancy, and lights shown only by special arrangement are to be exhibited continuously. Navigational lights which have been extinguished are to be exhibited as soon as possible with their former characteristics if possible.

f. All pilotage services are to continue to operate and all pilots are to be held at their normal stations ready for service and equipped with charts.

g. All small arms, explosives, and war-like stores, in naval barracks and shore establishments, are to be placed in magazines, under guard.

h. (1) German naval and other personnel concerned in the operation of ports and administrative services in ports are to remain at their stations and to continue to carry out their routine duties.

(2) German and German controlled naval personnel employed on seaward defence are to comply with the instructions given by the Supreme Allied Commander.

(3) A general order is to be given to all German and German controlled naval and para naval personnel that they are to carry out all orders and instructions given them by the Supreme Allied Commander. All personnel are to be unarmed at all times.

i. A certificate that the action required under subparagraphs *c*, *d*, and *e* above has been carried out, is to be rendered by the German Authority to the Supreme Allied Commander's representatives.

8. *a.* Sufficient information is required immediately to enable rapid entry to be made into the ports of Venice and Chioggia. This information is to be delivered by the German Authority to the Allied Naval Authorities at the date and time at which the surrender becomes effective and by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender.

b. For each of the above ports the following details are therefore required:

(1) Limits, types and laid depths of all minefields in the approaches, and the positions, types and laid depths of all mines in the harbours themselves.

(2) Positions of obstructions dangerous to navigation inside the harbours and in their approaches.

(3) The safe routes, if any, leading into these harbours. If no safe routes exist to the harbours themselves, then details of the routes to the nearest suitable beach in each case are required.

9. The German Authority is forthwith to furnish the Allied Naval Commander-in-Chief with certain information in respect of the undermentioned two special areas and subsequently of the whole of the Mediterranean and the Straits of Gibraltar. This information is to be delivered to the Allied Naval Authorities by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender. The two special areas concerned are:

Ligurian Sea—Area bounded on the west by meridian of 8°E. South by parallel of 43°30' N. East and north by the coast of Italy.

Adriatic Sea—Area bounded on the north, east and west by the coast of Italy, Istria and Jugoslavia. On the south by parallel of 44°N.

The information concerned is:

a. Positions of all minefields, both moored and ground mines, independent and controlled, laid by the Italians or Germans, by all types of minelaying craft including aircraft.

Details of each mine or group of mines laid is to include:

- (1) Type of mine.
- (2) Number of mines laid.
- (3) Spaces between mines.
- (4) Depth setting.
- (5) Date laid.
- (6) Number and type of anti-sweeping devices laid.
- (7) Types of anti-sweeping devices, if any, including chain moorings, fitted to the mines themselves.
- (8) If snag lines have been fitted to mines.
- (9) Polarity, delay, and number of actuations set on all ground mines.
- (10) Details of the mines themselves, including drawings and photographs of all types of mines and minefittings.

b. Details of convoy routes, searched channels and approach channels.

c. Details of,

- (1) Navigational lights which have been destroyed.
- (2) Navigational lights which are in operation, giving details of operation, and by whom controlled.
- (3) Navigational lights which can be put into operation at short notice and their characteristics.

d. Details of buoys, indicating:

- (1) Buoys remaining in place. If light buoys whether light is working and its characteristics.
- (2) Additional buoys laid, with reason for laying and details including lights, if any.
- (3) Buoys removed.

e. Details of booms and obstructions, including wrecks dangerous to navigation.

f. Details of all radio and radar navigational aids including all shore radar stations which could be used for this purpose.

g. A complete and up-to-date set of charts corrected to the latest information available, and showing all minefields, convoy routes, searched channels, approach channels, buoys, lights, navigational aids, booms, wrecks, obstructions and radar stations.

h. A complete and up-to-date set of navigational publications corrected to the latest information available.

10. Pilots equipped as in paragraph 7*f*, and in addition, provided with the information required by paragraph 8*b*, are to be stationed at suitable rendezvous, at the time and date at which surrender becomes effective, in readiness to meet and lead-in Allied warships to the ports of Trieste, Venice, and Pola. These rendezvous are to be communicated to the Allied Naval Authorities by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender.

11. The German Authority is to send to the Headquarters of the Commander-in-Chief, Mediterranean, at Caserta, forthwith upon the surrender becoming effective, a Senior German Naval Officer from his staff. This officer is to be granted full executive powers by the German Authority to act on his behalf in conformity with any orders and instructions given him by the Commander-in-Chief, Mediterranean, or his representatives.

The route and method by which this officer is to present himself at the Headquarters of the Commander-in-Chief, Mediterranean, will be notified to the German Authority at the meeting held prior to the signing of the Instrument of Surrender.

12. The German Authority is to furnish forthwith, exact information with regard to the disposition of German and German controlled naval formations and units under his command. Such information is to include the following:

a. Present locations of all Naval Staffs and Headquarters.

b. Full details of organisation of German Naval Command in the Mediterranean.

c. Disposition, state of readiness, and crew lists of all warships, auxiliaries and merchant shipping.

d. Details of defense plans, including plans and drawings of all naval fortifications, installations and establishments.

e. Detailed lists of fuel stocks including furnace, diesel, petrol and coal.

13. The German Authority will cause all Naval Shore Wireless Stations under his command to comply with the following orders:

a. All wireless transmitting apparatus is to be rendered inoperative by removal of essential parts, but no wireless apparatus or shore station equipment is to be damaged or destroyed.

b. All call sign, code and cypher systems, including books, documents, files and cryptographic machinery, are to be safely stored and guarded.

14. Detailed directions as to how and where the information required by the foregoing paragraphs 8, 9, and 10 is to be delivered to the Allied Naval Authorities will be notified separately to the German Authority.

15. The German Authority will, pending further orders from the Supreme Allied Commander, maintain his own forces from his own resources.

APPENDIX "C"

ORDERS FOR THE GERMAN AND GERMAN CONTROLLED AIR FORCES

1. The German Commander in Chief Southwest, hereinafter referred to as the "German Authority", is hereby held responsible for the execution of the following orders.

2. The German Authority will forthwith cause all aircraft of any kind or nationality whether military, naval, or civil, under the control of the German Authority, or operating in or over the area he controls, to alight at once and remain on the ground, on the water, or aboard ship pending further instructions from the Supreme Allied Commander. The term aircraft includes gliders and balloons.

3. All German or German controlled aircraft in the air will be treated as hostile.

4. The German Authority will prevent sabotage or destruction of any equipment or installations, and will maintain all airfields in readiness for instant use by the Allied Air Forces.

5. All aircraft will be cleared off runways and parked in recognised dispersal areas.

6. All aircraft will be disarmed and all wireless equipment rendered inoperative without damage. The guns, bombs, pyrotechnics, ammunition and wireless equipment will be stored under guard in the appropriate storehouses or hangars.

7. All aircraft will be immobilized by removing the elevators, disconnecting the fuel and oil supply (to each engine, in the case of twin or multi-engined aircraft) and draining all fuel and oil tanks into suitable containers.

8. All aircraft together with the removed elevators, fuel and oil, spare parts, hangars, storehouses, airfield administrative and living accommodation, general airfield equipment, including lighting installations will be safeguarded intact.

9. The German Authority will send forthwith upon the surrender becoming effective, to the Headquarters of the Air Commander in Chief, MAAF,

at Caserta, a Senior German Air Force officer from his staff. This officer will be granted full executive powers by the German Authority to act on his behalf in conformity with any orders and instructions given him by the Air Commander in Chief, MAAF, or his representatives.

The route and method by which this officer is to present himself at the Headquarters of the Air Commander in Chief, MAAF, is to be notified to the German Authority at the meeting held prior to the signing of the Instrument of Surrender.

10. The German Authority will forthwith furnish to the Supreme Allied Commander complete information regarding German and German controlled Air Forces and in particular such details as the Supreme Allied Commander may require concerning the numbers, units, locations, dispositions, stores and equipment of the German and German controlled Air Forces wherever located.

11. *Balloons*

All balloons will be hauled down, deflated, packed and safeguarded intact. Fuel pumps and carburetors will be removed from all winch motors and safeguarded.

12. *Explosives*

Information concerning all booby-traps, mines and other explosive devices on and in the vicinity of the airfields will be furnished immediately on demand to the responsible local Allied authorities. All explosives, including bombs, will be rendered safe by the removal of fuzes and detonators.

13. All self-destroying devices, whether in aircraft, signals equipment or in any Luftwaffe equipment or installation will be removed.

14. *Personnel*

All personnel of the Luftwaffe and associated air forces will be disarmed and will remain in their camps or at assigned sites until directed otherwise by the representatives of the local Allied Commander. The orders or instructions of any representative of the local Allied Commander will be obeyed.

15. *Motor Transport*

All transport tracked or wheeled will be collected together and maintained in good condition in recognised MT parking areas under guard.

16. *Fuel and Oil*

Fuel and oil supplies and installations of all types will be safeguarded and handed over to the local Allied Authorities without contamination.

17. *Anti-Aircraft.*

All anti-aircraft guns, heavy and light, under control of the Luftwaffe will be rendered inoperative by the removal of an essential part of the firing mechanism. The whole equipment will be safeguarded intact.

18. All parts removed from AA under paragraph 17 above, will be properly prepared for storage, labelled with the number of the appropriate gun, segregated from guns, and safeguarded intact.

Any spare parts for AA guns held at Luftwaffe units will be segregated from guns and safeguarded intact.

19. *Fire Control Equipment*

Instruments, directors and computers including radar and all fire control equipment will be concentrated and stored intact.

20. *Searchlights*

All carbon rods will be removed from the projectors. The fuel pumps will be removed from the generators. The carbon and fuel pumps together with all carbon and fuel pump spares will be stored and safeguarded intact.

21. *Small Arms*

All small arms will be collected and safeguarded intact.

22. *Gas Bombs and Equipment*

Normal precautions will be taken against leakage of gas from any gas bombs.

All gas equipment and decontamination material will be preserved and handed over to the Allied representatives on demand.

Gas spray containers will be collected and guarded, and where such containers are filled with gas, the normal precautions will be taken against leakage.

23. *Flying Bombs*

All stocks of flying bombs will be immobilized by the removal of fuzes, detonators, and fuel pumps. The items so removed will be segregated from flying bombs, concentrated and safeguarded intact, and all flying bombs and their equipment, spares and launching sites and facilities will be safeguarded intact.

24. *Rocket-Propelled Weapons*

All weapons and projectiles propelled by rockets or similar devices will be immobilized by the removal and segregation of essential parts of the mechanism. The parts so removed will be segregated from such weapons and projectiles, concentrated, and guarded, and the weapons and projectiles, their equipment, spares, launching sites and facilities will be safeguarded intact.

25. *Signals Equipment*

a. In addition to the requirements of paragraph 6 above, all communications equipment used for code, voice, teletype or other electrical transmission will be rendered inoperative without damage and safeguarded.

b. All ground and airborne electronic transmitters and receivers of whatever nature or design, whether used for air warning, tracking, identification

or flying control will be rendered inoperative without damage and safeguarded.

26. *Call and Code Signs*

All call and code signs systems used by Germany and/or her Allies in operating Luftwaffe telecommunication systems will be withdrawn from use, and all documents and/or associated coding devices will be stored and safeguarded intact.

27. *Code and Cyphers*

All code and cyphers systems, including books, documents and cypher machinery, employed by the Luftwaffe will be withdrawn from use, stored and safeguarded intact.

28. *Secrecy Equipment*

All forms of scrambling and secrecy equipment in use on any Luftwaffe telecommunication system will be disconnected and safeguarded intact.

29. All other Luftwaffe equipment, including that in experimental stations and laboratories, military or civilian, photographic equipment, furniture, will be preserved intact and maintained in good condition. Special care will be taken to ensure the preservation of all documents, including technical manuals, files, plans, maps, card indices, identity documents.

30. *Maintenance of Luftwaffe*

The German Authority will, pending further orders from the Supreme Allied Commander, maintain its own forces from its own resources.

GERMANY: ALLIED CONTROL COUNCIL

Agreement signed in the European Advisory Commission at London

May 1, 1945, amending agreement of November 14, 1944

Approved by the United States May 14, 1945

Entered into force May 25, 1945

[For text, see 5 UST 2072; TIAS 3070.]

DISTRIBUTION AND SUPPLY OF RUBBER TO ARGENTINA

*Exchange of notes among the United States, Argentina, and Brazil at
Buenos Aires May 2, 1945*

Entered into force May 2, 1945

*Terminated August 29, 1946, as between the United States and Brazil,¹
and October 1, 1946, as between the United States and Argentina²*

60 Stat. 1821 ; Treaties and Other
International Acts Series 1542

UNITED STATES NOTE

*The American Chargé d'Affaires ad interim to the Argentine Acting Minister
for Foreign Affairs and Worship*

No. 976

BUENOS AIRES, May 2, 1945.

EXCELLENCY,

I have the honor to address Your Excellency with reference to the negotiations carried out by the Joint Mission representing the Governments of the United States of America, and of Brazil, relative to the distribution and supply of rubber to the Republic of Argentina and to express the agreement of my Government to the following clauses:

1. The Republic of Argentina will be integrated, from this date, into the system, for establishing the allocation and supply of tires and tubes and for obtaining the maximum conservation of rubber during the present emergency, which system has been developed through agreements between Brazil and the United States of America and between the United States of America and various of the other American Republics.

2. In order to further the war effort, the Government of Argentina will promptly adopt and implement appropriate measures for the accomplishment of the following purposes:

¹ By an exchange of notes of Aug. 19 and 29 and Sept. 9, 1946, between the American Ambassador at Rio de Janeiro and the Acting Brazilian Minister for Foreign Affairs.

² By an exchange of notes of Oct. 1, 1946, between the American Ambassador at Buenos Aires and the Argentine Minister for Foreign Affairs.

(a) to ensure that rubber, rubber products, and material utilized in the production of rubber products, will be used solely to satisfy the essential economic requirements of Argentina;

(b) to prevent the sale of rubber products and of materials imported for the production of such products at prices exceeding the cost of such products and materials plus reasonable margins of profit;

(c) to prevent contraband transactions in natural rubber and rubber products produced in other American Republics;

(d) to prevent the utilization of natural rubber for the manufacture of articles not essential to the economic requirements of Argentina or for the manufacture of tires and tubes except in such sizes and for such purposes as may be necessary to satisfy such requirements;

(e) to establish procedures for the issuance of import recommendations for quantities of tires, tubes and other rubber products, and for materials to be imported for the production of such products, not exceeding allocations established pursuant to these agreements, so as to permit an orderly operation and control with respect to Argentina of the present system of allocation and supply.

3. In order to permit the orderly establishment of the procedures referred to under paragraph 2 above and the completion of the necessary technical studies, there will occur an interim period of approximately two months, commencing upon this date, during which the following steps, intermediate to the final integration of Argentina into the present system, will be taken:

(a) an interim allocation of 3000 tires and an equivalent number of tubes will be established for immediate importation by Argentina from Brazil or in part from the United States of America depending on the availability of the sizes and quantities into which such allocation is divided as the result of special consultation which will take place between the parties;

(b) an interim allocation of 1000 metric tons of synthetic rubber (GRS) and materials for its utilization for the production and repair of tires and tubes in Argentina will be established for immediate importation by Argentina from the United States of America, or from stocks held in Brazil;

(c) appropriate studies will be conducted by representatives designated by Argentina in consultation with representatives of the United States of America and of Brazil to determine:

- (1) the quantities and sizes of tires and tubes which are essential for the economic requirements of Argentina;
- (2) the portion of these requirements which can be supplied through production in Argentina by the utilization of existing facilities and maximum quantities of synthetic rubber;

- (3) the portion of these requirements which must be supplied by importation from Brazil and the United States of America; and
- (4) the quantity and type of materials needed to secure the maximum supply of local requirements from local production.

(d) Argentina will designate a technical mission of experts which will proceed to the United States of America for study of the methods required for the maximum utilization of synthetic rubber and the United States of America will facilitate the studies of such mission through the furnishing of technical advice and assistance subject to the limitation of the use of such technical advice to the maximum utilization of synthetic rubber during the period of the emergency.

(e) on the basis of the studies concluded under subparagraph (c) above, regular allocations on a quarterly basis of tires and tubes required to be imported by Argentina will be established.

4. Following the aforesaid interim period and the completion of the establishment of the procedures agreed upon above by Argentina, Brazil and the United States of America will use their best efforts to insure that the essential economic requirements of Argentina for tires and tubes and the materials necessary for their manufacture, which must be obtained by importation, will be met so far as they can be supplied within the limitations of the available supply, of the essential requirements of war and with due consideration for the essential requirements of other countries.

5. It is understood and agreed that this agreement will remain in force during such period as the present emergency shortage of natural rubber continues and shall terminate ninety days after it is mutually agreed between the parties that such emergency conditions no longer exist.

Your Excellency's note, this note and that of the Chargé d'Affaires of Brazil, all of even date, constitute as from today an agreement among our respective Governments which will remain in force until such time as the terms of paragraph five herein are fulfilled.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my most distinguished consideration.

EDWARD L. REED
Chargé d'Affaires a. i.

His Excellency

Doctor CÉSAR AMEGHINO,

Acting Minister for Foreign Affairs and Worship,

Etc.,

etc.,

etc.

ARGENTINE NOTE

*The Argentine Acting Minister for Foreign Affairs and Worship
to the American Chargé d'Affaires ad interim*

[TRANSLATION]

D.A.E. No.

BUENOS AIRES, May 2, 1945

MR. CHARGÉ D'AFFAIRES:

I have the honor to address Your Excellency with reference to the negotiations carried out with the United States-Brazil Joint Mission, relative to the distribution and supply of rubber to the Republic of Argentina, in order to express the agreement of my Government to the following clauses:

[For terms of agreement, see numbered paragraphs in U.S. note, above.]

This note, Your Excellency's reply and that of Brazil's representative, will constitute as from today an Agreement among our respective Governments which will remain in force until such time as the terms of paragraph 5 herein are applied.

I convey to Your Excellency the assurances of my highest consideration.

C. AMEGHINO

His Excellency

EDWARD JOHN REED

Chargé d'Affaires of the United States of America,

The Federal Capital

BRAZILIAN NOTE

*The Brazilian Chargé d'Affaires to the Argentine Acting Minister
for Foreign Affairs*

[TRANSLATION]

No. 52/890, (42) (41)

BUENOS AIRES, May 2, 1945

MR. MINISTER,

I have the honor to acknowledge receipt of Your Excellency's note of this same date, referring to the negotiations which took place on April 26 last between the Joint Brazil-United States Commission and the Department of Industry and Commerce of the Argentine Republic, for the purpose of establishing the distribution and supply of rubber products and matters related thereto, in the course of which agreements were concluded with a view to integrating the Argentine Republic into the system for the distribution and supply of tires and tubes and for the maximum conservation of rubber, for as long a time as the present situation of scarcity of natural rubber prevails, that system having been established between Brazil and the United States

of America and between the United States of America and various other American republics.

2. In reply, I have the honor to take due note of the agreement of the Argentine Government to the clauses transcribed below, which were agreed upon between Consul General Mario Moreira da Silva, verified member of the Commission for the Control of Washington Agreements, representing Brazil, and Francis Adams Truslow, President of the Rubber Development Corporation, an official agency of the United States of America, in a joint mission of the Governments of Brazil and of the United States of America and General D. Julio Checchi, Secretary of Industry and Commerce, representing the Government of the Argentine Republic.

[For terms of agreement, see numbered paragraphs in U.S. note, above.]

This note, Your Excellency's note, and that of the diplomatic representative of the United States of America accredited to the Argentine Government will constitute, as from today, an Agreement between our Governments which will remain in force until terminated in the manner prescribed in Paragraph 5 (five) herein.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

PAULO DEMÔRO

Brazilian Chargé d'Affaires

His Excellency

Dr. CÉSAR AMEGHINO

Acting Minister of Foreign Affairs and Worship

LOCAL SURRENDER OF GERMAN FORCES

*Instrument of surrender signed at Lüneburg, Germany, May 4, 1945
Entered into force May 4, 1945; operative May 5, 1945*

The Axis in Defeat, Department of State
publication 2423 (U.S. Government Print-
ing Office, 1945), p. 22

INSTRUMENT OF SURRENDER OF ALL GERMAN ARMED FORCES IN HOLLAND, IN NORTHWEST GERMANY INCLUDING ALL ISLANDS, AND IN DENMARK

1. The German Command agrees to the surrender of all German armed forces in Holland, in northwest Germany including the Frisian Islands and Heligoland and all other islands, in Schleswig-Holstein, and in Denmark, to the C.-in-C. 21 Army Group. This to include all naval ships in these areas. These forces to lay down their arms and to surrender unconditionally.

2. All hostilities on land, on sea, or in the air by German forces in the above areas to cease at 0800 hrs. British Double Summer Time on Saturday 5 May 1945.

3. The German command to carry out at once, and without argument or comment, all further orders that will be issued by the Allied Powers on any subject.

4. Disobedience of orders, or failure to comply with them, will be regarded as a breach of these surrender terms and will be dealt with by the Allied Powers in accordance with the accepted laws and usages of war.

5. This instrument of surrender is independent of, without prejudice to, and will be superseded by any general instrument of surrender imposed by or on behalf of the Allied Powers and applicable to Germany and the German armed forces as a whole.

6. This instrument of surrender is written in English and in German. The English version is the authentic text.

7. The decision of the Allied Powers will be final if any doubt or dispute arises as to the meaning or interpretation of the surrender terms.

B. L. MONTGOMERY
Field-Marshal

4 May 1945
1830 hrs

VON FRIEDEBURG
KINSEL
G. WAGNER
POLECK
FRIEDEL

MILITARY SURRENDER BY GERMANY

*Act signed at Rheims May 7, 1945, and act signed at Berlin May 8, 1945
Entered into force May 8, 1945*

59 Stat. 1857; Executive Agreement Series 502

Only this text in English is authoritative

ACT OF MILITARY SURRENDER

1. We the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force and simultaneously to the Soviet High Command all forces on land, sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours Central European time on 8 May and to remain in the positions occupied at that time. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force and by the Soviet High Command.

4. This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force and the Soviet High Command will take such punitive or other action as they deem appropriate.

Signed at Rheims, France, at 0241 on the 7th day of May, 1945.

On behalf of the German High Command.

JODL

IN THE PRESENCE OF

On behalf of the Supreme Commander,
Allied Expeditionary Force
W. B. SMITH

On behalf of the Soviet
High Command
SUSLOPAROFF

F. SEVEZ

Major General, French Army
(Witness)

ACT OF MILITARY SURRENDER

1. We the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force and simultaneously to the Supreme High Command of the Red Army all forces on land, at sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours Central European time on 8th May 1945, to remain in the positions occupied at that time and to disarm completely, handing over their weapons and equipment to the local allied commanders or officers designated by Representatives of the Allied Supreme Commands. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment, and also to machines of all kinds, armament, apparatus, and all the technical means of prosecution of war in general.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force and by the Supreme High Command of the Red Army.

4. This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force and the Supreme High Command of the Red Army will take such punitive or other action as they deem appropriate.

6. This Act is drawn up in the English, Russian and German languages. The English and Russian are the only authentic texts.

Signed at BERLIN on the 8th day of May, 1945.

VON FRIEDBURG

KEITEL

STUMPF

On behalf of the German High Command

IN THE PRESENCE OF:

On behalf of the Supreme Commander
Allied Expeditionary Force
A. W. TEDDER

On behalf of the Supreme High Command
of the Red Army
G. ZHUKOV

At the signing also were present as witnesses:

F. DE LATTRE-TASSIGNY
General Commanding in Chief
First French Army

CARL SPAATZ
General, Commanding
United States Strategic Air Forces

EUROPEAN INLAND TRANSPORT: PROVISIONAL ORGANIZATION

Agreement signed at London May 8, 1945, with annexes

Entered into force May 8, 1945

*Terminated September 27, 1945, upon entry into force of agreement
establishing European Central Inland Transport Organization*¹

59 Stat. 1359; Executive Agreement Series 458

AGREEMENT CONCERNING A PROVISIONAL ORGANISATION FOR EUROPEAN INLAND TRANSPORT

THE Governments whose duly authorised representatives have subscribed hereto (hereinafter referred to as the Signatory Governments), being agreed that an European Central Inland Transport Organisation should be established at the earliest possible date for the purposes set out in the Draft Agreement annexed hereto (hereinafter referred to as the Draft Agreement), and being desirous of making provision for mutual co-operation in achieving these purposes in the territories in Continental Europe under their authority during such period as may elapse before the Organisation's establishment,

Have agreed as follows:

ARTICLE I

The Signatory Governments hereby agree to bring the Draft Agreement provisionally into force between them in respect of the territories in Continental Europe under their authority.

ARTICLE II

In order to discharge in respect of the territories under their authority the functions to be exercised by the Executive Board in accordance with the Draft Agreement, the Signatory Governments hereby agree to establish forthwith a Provisional Executive for European Inland Transport. A Council as provided by the Draft Agreement shall also be provisionally established.

ARTICLE III

The Provisional Executive shall consist initially of five members who shall be appointed by the Provisional Council and shall include one member

¹ EAS 494, *post*, p. 1265.

nominated by the Provisional Government of the French Republic, one member nominated by the Government of the United Kingdom of Great Britain and Northern Ireland and one by the Government of the United States of America. The Provisional Council, at any time after the accession of a Signatory Government under Article IV, may review these appointments and shall have power at its discretion to make further appointments, not exceeding two in number.

ARTICLE IV

The Provisional Council may invite any other interested Government to accede to this Agreement, and upon accession such Government shall become, for the purpose of this Agreement, a Signatory Government.

ARTICLE V

Any Signatory Government may withdraw from this Agreement at any time, such withdrawal to take effect at the expiration of three months from the date of the notification in writing of its intention to withdraw to each of the other Signatory Governments. This Agreement shall, in any case, cease to have effect from the date when the Organisation provided for in the Draft Agreement is established.

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

Done in London on the 8th day of May, 1945, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all Signatory Governments.

For the Government of the United States of
America:

JOHN G. WINANT ²

For the Royal Belgian Government:

OBERT DE THIEUSIES

For the Provisional Government of the
French Republic:

MASSIGLI

For the Government of the United Kingdom of Great Britain and Northern Ireland:

PHILIP NOEL BAKER

For the Government of the Grand Duchy of
Luxembourg:

A. J. CLASEN

For the Royal Netherlands Government:

W. HUENDER

For the Royal Norwegian Government:

ARNE SUNDE

² In signing the agreement Ambassador Winant made the following statement:

"In signing this agreement I am instructed to say that my government interprets the term 'Allied Commanders in Chief' in Article XIV, Paragraph 9, to include not only commanders designated by a combination of the powers named but also commanders designated by any one of the powers."

ANNEX

DRAFT AGREEMENT CONCERNING THE ESTABLISHMENT OF AN EUROPEAN
CENTRAL INLAND TRANSPORT ORGANISATION

Whereas, upon the liberation of any territories of the United Nations in Europe, and upon the occupation of any enemy territories in Europe, it is expedient for the fulfilment of the common military needs of the United Nations and in the interests of the social and economic progress of Europe, to provide for co-ordination both in the movement of traffic and in the allocation of transport equipment and material with a view to ensuring the best possible movement of supplies both for military forces and the civil population and the speedy repatriation of displaced persons, and also with a view to creating conditions in which the normal movement of traffic can be more rapidly resumed;

The Governments whose duly authorised representatives have subscribed hereto

Have agreed as follows:

ARTICLE I

There is hereby established the European Central Inland Transport Organisation, hereinafter called "the Organisation," which shall act in accordance with the provisions of the following Articles. The Organisation is established as a co-ordinating and consultative organ. It shall co-ordinate efforts to utilise all means of transport for the successful completion of the war and for the improvement of transport communications so as to provide for the restoration of normal conditions of economic life. It shall also provide assistance to the Allied Commanders-in-Chief during the war and to the Occupation Authorities set up by Governments of the United Nations during the first period after the war to maintain and improve the carrying capacity of transport.

ARTICLE II. *Membership*

The members of the Organisation shall be the Governments signatory hereto and such other Governments as may be admitted thereto by the Council.

ARTICLE III. *Constitution*

1. The Organisation shall consist of a Council and an Executive Board with the necessary headquarters, regional and local staff.

The Council

2. Each member Government shall name one representative and such alternates as may be necessary upon the Council. The Council shall, for each of its sessions, select one of its members to preside. The Council shall determine its own rules of procedure. Unless otherwise provided in this Agreement or by action of the Council, the Council shall vote by simple majority.

3. The Council shall be convened in regular session not less than twice a year by the Executive Board. It may be convened in special session whenever the Executive Board shall deem necessary and shall be convened within thirty days after request by one-third of the members of the Council.

4. The Council shall perform the functions assigned to it under this Agreement and review the work of the Organisation generally to ensure its conformity with the broad policies determined by the Council.

The Executive Board

5. The Executive Board shall consist of seven members who shall be appointed by the Council. It shall include one member nominated by each of the following Governments, the Provisional Government of the French Republic and the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Each member of the Executive Board shall be provided with a deputy similarly nominated and appointed. The members and their deputies shall be appointed for not longer than one year. The Executive Board shall choose its own Chairman, subject to confirmation by the Council.

6. The Executive Board shall perform the executive functions assigned to the Organisation within the framework of the broad policies determined by the Council. It shall act in accordance with the ruling of the majority of its members. It shall present to the Council such reports on the performance of its functions as the Council may require.

7. The Executive Board shall appoint a chief officer to direct the technical and administrative work of the Organisation under its supervision and in conformity with the broad policies determined by the Council. This officer shall appoint the staff at headquarters, regional and local offices, subject to the approval of the Executive Board, taking into account the exigencies of the various branches of transport concerned. The responsibilities of the chief officer and staff shall be exclusively international in character.

8. Each member Government may appoint a representative for purposes of consultation and communication with the Executive Board. Such representatives shall be fully informed by the Board of all activities of the Organisation. Each time that any important question is discussed concerning the interests of a member Government, this representative shall be entitled to take part in the discussion without right of vote.

ARTICLE IV

1. The Organisation shall have power to perform any legal act appropriate to its object and purposes, including the power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create subordinate organs and to review their activity. The Organisation shall not, however, have power to own transport equipment and material, except with the unanimous consent of the Council.

2. These powers are vested in the Council. Subject to the provisions of paragraph 2 of Article V, the Council may delegate such of these powers as it may deem necessary to the Executive Board, including the power of sub-delegation. The Executive Board shall be responsible to the Council for the upkeep and administration of any property owned by the Organisation.

ARTICLE V. *Finance*

1. The Executive Board shall submit to the Council an initial budget and from time to time such supplementary budgets as may be required, covering the administrative expenses of the Organisation. Upon approval of a budget by the Council the total amount approved shall be raised in such manner or be allocated in such proportions as may be agreed between the member Governments. Each member Government undertakes, subject to the requirements of its constitutional procedure, promptly to contribute to the Organisation, in such currency or currencies as may be agreed by such Government with the Executive Board, its share of these expenses. Each member Government shall also provide such facilities as are required for the transfer into other currencies of sums so contributed and held by the Organisation in that Government's own currency.

2. The Organisation shall not incur any expenses, other than administrative expenses, except under the authority of the Council. Proposals for such expenses shall be submitted by the Executive Board to the Council, and when approved by the Council such expenses shall be met by contributions which a member Government or member Governments may agree to make or in such other manner as may be agreed between member Governments.

3. Nothing in the Agreement shall require any member Government or transport administration under its authority to perform services without remuneration.

ARTICLE VI. *Scope of the Organisation*

1. The Organisation shall exercise its functions in any territory in Continental Europe as soon as the member Government concerned becomes the effective authority for transport in that territory, provided that the Allied Commander-in-Chief concerned is satisfied that military necessity permits and under such conditions as he may deem necessary.

2. In respect of any territory in Continental Europe in which the Allied Commanders-in-Chief retain responsibility for the direction of the transport system, the Organisation shall on request give advice or assistance to the Allied Commanders-in-Chief, and, in consultation with the Allied Commander-in-Chief concerned, to any member Government or to other appropriate authorities of the United Nations, on any question with which it is empowered to deal under Article VII.

3. The Organisation shall treat with any of the Occupation Authorities set up by Governments of the United Nations in respect of any territory in Continental Europe in which such Occupation Authorities are exercising authority.

ARTICLE VII. *Executive Functions of the Organisation*

Introductory

1. The Organisation shall carry out thorough studies of the technical and economic conditions affecting traffic of an international character and shall give to the Governments concerned with such traffic technical advice and recommendations directed to restoring and increasing the carrying capacity of the transport systems in Continental Europe and to co-ordinating the movement of traffic of common concern on these systems.

2. In case any member Government meets with difficulties in carrying out these recommendations owing to reasons of a material and economic character, the Organisation shall investigate with the member Governments concerned means of practical help.

Information on Transport Equipment and Material

3. The Organisation shall receive and collect information concerning the requirements of transport equipment and material for Continental Europe.

Realisation of Requirements for Transport Equipment and Material

4. The Organisation shall assist the realisation of requirements of any member Government in Continental Europe for transport equipment and material.

Allocation and Distribution for Use of Transport Equipment and Material

5. The Organisation shall, within the framework of the priorities determined by the appropriate authorities of the United Nations, determine the allocation or distribution for use to Governments in Continental Europe, on such conditions as it may deem necessary, of such transport equipment and material as may be made available for this purpose by the Allied Commanders-in-Chief, by Occupation Authorities, or by agencies of any one or more of the United Nations. To enable the Organisation to carry out this function effectively, it may consult with the Governments concerned on their export possibilities and import needs for transport equipment and material for Continental Europe and will receive from such Governments notification of all arrangements made in respect thereto of which they have notice.

Arrangements to Make Mobile Transport Equipment and Material Available

6. In cases where temporary emergency requirements of mobile transport equipment for carrying traffic of common concern arise and normal arrange-

ments for the interchange of such mobile transport equipment are inadequate, the Organisation shall arrange with member Governments concerned to make available mobile transport equipment for the purpose of meeting such requirements. Such mobile transport equipment shall be made available under arrangements made between the member Governments concerned, with the assistance of the Organisation.

Restoration of Transport Equipment and Material

7. The Organisation shall arrange, as soon as practicable, to restore to the member Government concerned transport equipment and material belonging to a member Government or to its nationals, found outside the territories under the authority of that member Government and outside its control. These arrangements shall be made in accordance with any general policies which may be determined by the appropriate authorities of the United Nations regarding restoration and restitution of property removed by the enemy. Where immediate restoration would unduly prejudice the operation of essential transport in the area, the Organisation shall work out arrangements with the Governments concerned for the temporary use of equipment pending its restoration.

Census of Transport Equipment and Material

8. The Organisation shall at the earliest practicable time arrange through the member Governments for a census of rolling-stock in Continental Europe and of such other transport equipment and material there as may appear necessary for the proper discharge of its functions.

Traffic

9. The Organisation may make such recommendations to the appropriate authorities as it deems necessary with respect to particulars of projected movements of traffic of common concern, having regard to the transport facilities available for the movement of such traffic.

10. The Organisation shall make recommendations to the Governments concerned in order to ensure the movement of traffic of common concern on all routes of transport in Continental Europe in accordance with the priorities determined by the appropriate authorities of the United Nations. In respect of traffic of military importance sponsored by the Allied Commanders-in-Chief, the appropriate authority for this purpose will be the Allied Commander-in-Chief concerned.

Charges

11. The Organisation may work out the unification of tariffs, terms and conditions of transport and the like applicable to traffic of an international character. It shall recommend to the Government concerned the principles by which reasonable transport charges for traffic of common concern in Continental Europe should be fixed by them in accordance with the provisions

of paragraph 9 of Article VIII. This paragraph shall not apply to military traffic under the control of the Allied Commanders-in-Chief except at their request.

Rehabilitation of Transport Systems

12. The Organisation may study the conditions of transport affecting traffic of an international character in individual countries and make recommendations to the Governments concerned as to technical measures directed to the quickest restoration of transport facilities and their most effective use, and as to the priority in which works or projects in respect of the restoration or improvement of transport facilities shall be carried out.

Operation of Transport

13. While it remains the task of each member Government to provide for the efficient operation of the transport systems in Continental Europe for which it is responsible, the Organisation may exceptionally, at the request of any member Government, give any practicable assistance in the rehabilitation or operation of transport in any territory in Continental Europe under the authority of such Government on such conditions as may be agreed between such Government and the Organisation, having due regard to the rights of other member Governments.

Co-ordination of European Transport

14. The Organisation shall work out and co-ordinate common action to secure the inauguration, maintenance, modification, resumption or, where appropriate, suppression, of international arrangements for through working of railways and exchange of rolling-stock of the Continental European countries for carrying out international transport. In particular, it shall ensure a unified clearing system for traffic operations between the different countries in Continental Europe. In general, it shall promote where necessary the establishment of appropriate machinery for co-operation between railway administrations.

15. The Organisation shall place its services at the disposal of member Governments and make recommendations with a view to ensuring the most efficient movement of international traffic on waterways.

16. The Organisation shall take such steps as may be practicable through the Governments concerned to facilitate the movement across frontiers of road transport vehicles.

17. In carrying out the functions mentioned in paragraphs 14 and 16 of this Article and in placing its services at the disposal of member Governments as described in paragraph 15 of this Article, the Organisation shall make use, to the extent practicable, of conventions in force between member Governments so as to obtain the greatest benefit therefrom for the fulfilment of its task in this respect, provided that the Organisation shall act—

- (a) in accordance with any general policies which may be determined by the appropriate authorities of the United Nations; and
- (b) with due respect for existing rights and obligations.

18. The Organisation shall make recommendations to the Governments concerned designed to promote adequate co-ordination of all European transport for the fulfilment of the common military needs of the United Nations or in the interests of traffic of an international character.

Relations with other Agencies

19. The Organisation shall co-operate as may be required with the appropriate authorities and agencies of any one or more of the United Nations and with international organisations.

20. The Organisation shall provide all possible assistance to the Allied Commanders-in-Chief in meeting their needs for transport facilities and improving the use of these facilities for the successful fulfilment of military requirements.

21. The Organisation shall arrange for consultation through appropriate machinery with representatives of persons employed in inland transport on international questions of mutual concern to the Organisation and such representatives within the field of the Organisation's activities.

Miscellaneous

22. The Organisation may advise the Governments concerned and the appropriate authorities of the United Nations on the priority to be given, in the interests of the rehabilitation of European transport, to the repatriation of displaced transport personnel and to workers required for the production, maintenance or repair of transport equipment and material.

23. The Organisation shall give all practicable assistance through the appropriate authorities to any Government concerned at its request in obtaining supplies of fuel, power and lubricants to meet the needs of traffic of common concern, in order that that Government may fulfil its obligations under paragraph 7 of Article VIII.

ARTICLE VIII. *Obligations of Member Governments*

Information

1. Every member Government, in respect of territory which is in the field of activity of the Organisation, shall, upon request of the Organisation, provide it with such information as is essential for the performance of its functions.

Restoration of Transport Equipment and Material

2. Every member Government, in respect of territory which is in the field of activity of the Organisation, undertakes that:

- (i) it will facilitate the execution of paragraph 7 of Article VII;

(ii) except with the consent of the Organisation, it will neither seize nor make use of—

- (a) transport equipment and material in Continental Europe found outside the territories under its authority, even though such equipment and material may belong to it or to any of its nationals; provided that this sub-paragraph shall not debar any member Government or any of its nationals from continuing the management of its or his own inland vessels;
- (b) transport equipment and material found within territory under its authority but not belonging to it or any of its nationals, provided that a member Government may make temporary use of enemy or ex-enemy transport equipment and material pending any arrangements that may be made in accordance with the provisions of paragraph 5 of Article VII and without prejudice to the ultimate disposal of such transport equipment and material by the appropriate authorities of the United Nations;
- (c) transport equipment and material coming within territory under its authority under arrangements made under the auspices of the Organisation for the movement of traffic of common concern.

3. The provisions of paragraph 2 of this Article shall not affect the rights of the Allied Commanders-in-Chief within any territory in respect of which the Organisation has not begun to exercise its functions under Article VII.

Census of Transport Equipment and Material

4. Every member Government undertakes to co-operate fully with the Organisation in arranging any census for which provision is made in paragraph 8 of Article VII.

Traffic

5. Every member Government undertakes to ensure by any means in its power the best possible movement of traffic of common concern in accordance with the recommendations made by the Organisation under paragraph 10 of Article VII.

6. Every member Government undertakes to provide inland vessels under its control in Continental Europe required for traffic of common concern,

(i) in accordance with the recommendations of the Organisation generally, and

(ii) if signatory to the Annex to this Agreement, in accordance with its terms.

Provision of Fuel, Power and Lubricants

7. Every member Government shall take all measures necessary and practicable to ensure, in respect of the territory in Continental Europe under its

authority, that adequate supplies of fuel, power and lubricants are available for traffic of common concern, provided that the Organisation has made suitable arrangements with the Government concerned.

Charges

8. Every member Government undertakes not to levy or permit the levy of customs duties or other charges, other than transport charges, and admissible transit charges on traffic of common concern in transit through territories in Continental Europe under its authority. No discrimination shall be made in respect of import duties levied on goods of common concern, dependent on the route the goods have travelled prior to importation into the country concerned.

9. Every member Government undertakes to secure that transport charges made within territories in Continental Europe under its authority on traffic of common concern, including such traffic in transit through such territories, shall be as low and simple and as uniform with those in other territories, to which this Agreement applies, as is practicable. Every member Government shall give the fullest consideration to recommendations made by the Organisation in accordance with paragraph 11 of Article VII and report to the Organisation on the action taken.

Miscellaneous

10. Every member Government undertakes to co-operate with the Organisation in the exercise of its functions under paragraphs 14 and 16 of Article VII.

11. Every member Government shall use its best endeavours in its relations with any other international organisations, agencies or authorities to give effect to the provisions of this Agreement.

12. Every member Government shall give the fullest consideration to any recommendations made by the Organisation in accordance with paragraphs 12, 15 and 18 of Article VII and report to the Organisation on the action taken.

13. Every member Government shall respect the exclusively international character of the chief officer and the staff of the Organisation, and shall grant such facilities to the Organisation, to members of its constituent bodies, and to members of its staff as are necessary to the performance by the Organisation of its functions in accordance with Article VII.

14. Every member Government shall in territory under its authority take all steps in its power to facilitate the exercise by the Organisation of any of the powers referred to in Article IV.

ARTICLE IX

The Organisation shall be related to any general international organisation to which may be entrusted the co-ordination of the activities of international organisations with specialised responsibilities.

ARTICLE X

1. The functions of the Organisation shall relate to all forms of transport by road, rail or waterway, within the territories of the Continent of Europe in which the Organisation operates, but not to sea-going shipping, except that the provisions of paragraph 10 of Article VII and paragraph 5 of Article VIII shall apply in respect of such shipping when employed in Continental Europe on inland waterways.

2. In regard to the handling of traffic in ports where sea-going vessels are discharged or loaded, the Organisation shall co-operate with the appropriate authorities of the member Government concerned and any shipping organisation set up by them to ensure—

(i) the rapid turn-round of ships;

(ii) the efficient use of port facilities in the best interests of the prompt clearance of cargo of common concern.

ARTICLE XI

In the event of there being any direct inconsistency between the provisions of this Agreement and the provisions of any agreement already existing between any of the member Governments, the provisions of this Agreement shall, as between such member Governments, be deemed to prevail, due respect being had to the provisions of paragraph 17 of Article VII, provided, however, that nothing in this Article shall be construed to prevent member Governments from entering into agreements to facilitate the working of traffic across national frontiers.

ARTICLE XII

Until the end of the period of two years after the general suspension of hostilities with Germany, the provisions of this Agreement may be amended, suspended or terminated only by a unanimous vote of the Council. At any time after that date any provision of this Agreement may be amended, suspended or terminated by a two-thirds majority of the Council, provided that no alteration shall be made in the provisions of this Agreement so as to extend the obligations or financial liability of any member Government without that Government's consent.

ARTICLE XIII

1. This Agreement shall come into force for each member Government on the date of signature.

2. It shall remain in force for two years from the date of the general suspension of hostilities with Germany. It shall thereafter remain in force, subject to the right of any member Government, after the expiration of eighteen months from the date of such general suspension of hostilities, to give six

months' notice in writing to the Council of its intention to withdraw from this Agreement.

ARTICLE XIV. *Definitions*

1. For the purpose of this Agreement and its Annex, the definitions given in this Article have been adopted.

2. The term "inland transport" shall include all forms of transport as referred to in Article X of this Agreement.

3. The term "Continental Europe" shall mean all territories in Europe under the authority or control of member Governments, but shall not extend to territory of the United Kingdom or of the Union of Soviet Socialist Republics.

4. The term "territory under the authority of a member Government" shall be construed to mean territory in Continental Europe either under the sovereignty of a member Government or territory over which a member Government or member Governments is or are exercising authority or control.

5. The term "transport equipment and material" shall include, so far as the Executive Board deems it necessary for the execution of the functions of the Organisation—

(i) any items of fixed and mobile equipment, stores (other than fuel), plant and spares and accessories of all kinds specifically intended and required for use of transport undertakings, including equipment required for use in ports, whether ashore or afloat;

(ii) equipment and material specifically intended and required for the rehabilitation, maintenance or construction of roads, railways, bridges, ports and inland waterways;

(iii) major plant and tools specifically required for the repair of transport equipment and material for use by transport authorities.

6. The term "traffic of common concern" shall include—

(i) personnel, stores, supplies or other traffic to be moved in accordance with the requirements of the Allied Commanders-in-Chief;

(ii) displaced and other persons to be moved in accordance with the priorities determined by the appropriate United Nations authorities;

(iii) supplies for civil needs to be moved in Continental Europe in accordance with the priorities determined by the appropriate United Nations authorities;

(iv) property removed by the enemy.

7. The term "transport charges" shall include, in addition to freight or conveyance charges, any other incidental charges, such as tolls, port charges, charges for warehousing and handling goods in transit which may affect the cost of transport.

8. The term "admissible transit charges" means dues intended solely to defray expenses of supervision and administration entailed by the transit traffic concerned.

9. The term "Allied Commanders-in-Chief" shall mean Commanders-in-Chief designated by the appropriate authorities of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom and the United States for commands on the Continent of Europe.³

10. The term "Government" includes any Provisional Government.

ANNEX

PROTOCOL RELATING TO TRAFFIC ON INLAND WATERWAYS

PREAMBLE

With a view to fulfilling, in respect of traffic on inland waterways, the obligations assumed by the Agreement concerning the establishment of an European Central Inland Transport Organisation (hereinafter referred to as the Agreement), and subject to the conditions set out therein, the member Governments signatory hereto have agreed as follows:

ARTICLE I

Every member Government signatory hereto undertakes to establish appropriate machinery necessary for the application of all the obligations assumed in paragraphs 5 and 6 of Article VIII of the Agreement to traffic on Inland Waterways and to appoint persons or organisations entitled to treat with the Organisation on questions of this nature.

ARTICLE II

The member Governments signatory hereto, taking into account the geographical, technical and other peculiarities connected with traffic on inland waterways and the needs of each of them in these respects, will form committees of experts to be consulted by the chief officer on questions of traffic on inland waterways within the various areas of such traffic.

ARTICLE III

For each waterways traffic area concerned in Continental Europe, the allocation of inland shipping and, if necessary, shipping space for carrying approved programmes of traffic of common concern will be determined from time to time by the Organisation in agreement with the Governments concerned. In determining this allocation, due account shall be taken of the particulars of the vessel, its equipment and crew and of its normal traffic.

³ For a U.S. statement, see footnote 2, p. 1126.

ARTICLE IV

The terms of remuneration to be paid by the users of inland vessels for traffic of common concern shall be worked out by the Organisation in agreement with the Governments and/or the authorities concerned on a fair and reasonable basis in such a manner as to give effect to the following two principles:

- (i) inland vessels of all flags performing the same services should receive the same freights;
- (ii) freights with reference to paragraph 11 of Article VII shall be calculated so as to include, after providing for depreciation of the ship, a reasonable margin of profit.

DEFEAT OF GERMANY: ASSUMPTION OF SUPREME AUTHORITY BY ALLIED POWERS

Declaration signed at Berlin June 5, 1945

*Supplemented by additional requirements of September 20, 1945*¹

60 Stat. 1649; Treaties and Other
International Acts Series 1520

DECLARATION REGARDING THE DEFEAT OF GERMANY AND THE ASSUMPTION OF SUPREME AUTHORITY WITH RESPECT TO GERMANY BY THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED KINGDOM, AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC

The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious Powers. The unconditional surrender of Germany has thereby been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her.

There is no central Government or authority in Germany capable of accepting responsibility for the maintenance of order, the administration of the country and compliance with the requirements of the victorious Powers.

It is in these circumstances necessary, without prejudice to any subsequent decisions that may be taken respecting Germany, to make provision for the cessation of any further hostilities on the part of the German armed forces, for the maintenance of order in Germany and for the administration of the country, and to announce the immediate requirements with which Germany must comply.

The Representatives of the Supreme Commands of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic, hereinafter called the "Allied Representatives," acting by authority of their respective Governments and in the interests of the United Nations, accordingly make the following Declaration:

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Govern-

¹ *Post*, p. 1254.

ment of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German territory.

In virtue of the supreme authority and powers thus assumed by the four Governments, the Allied Representatives announce the following requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply:

ARTICLE 1

Germany, and all German military, naval and air authorities and all forces under German control shall immediately cease hostilities in all theatres of war against the forces of the United Nations on land, at sea and in the air.

ARTICLE 2

(a) All armed forces of Germany or under German control, wherever they may be situated, including land, air, anti-aircraft and naval forces, the S.S., S.A. and Gestapo, and all other forces or auxiliary organisations equipped with weapons, shall be completely disarmed, handing over their weapons and equipment to local Allied Commanders or to officers designated by the Allied Representatives.

(b) The personnel of the formations and units of all the forces referred to in paragraph (a) above shall, at the discretion of the Commander-in-Chief of the Armed Forces of the Allied State concerned, be declared to be prisoners of war, pending further decisions, and shall be subject to such conditions and directions as may be prescribed by the respective Allied Representatives.

(c) All forces referred to in paragraph (a) above, wherever they may be, will remain in their present positions pending instructions from the Allied Representatives.

(d) Evacuation by the said forces of all territories outside the frontiers of Germany as they existed on the 31st December, 1937, will proceed according to instructions to be given by the Allied Representatives.

(e) Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives.

ARTICLE 3

(a) All aircraft of any kind or nationality in Germany or German-occupied or controlled territories or waters, military, naval or civil, other than aircraft in the service of the Allies, will remain on the ground, on the water or aboard ships pending further instructions.

(b) All German or German-controlled aircraft in or over territories or waters not occupied or controlled by Germany will proceed to Germany or to such other place or places as may be specified by the Allied Representatives.

ARTICLE 4

(a) All German or German-controlled naval vessels, surface and submarine, auxiliary naval craft, and merchant and other shipping, wherever such vessels may be at the time of this Declaration, and all other merchant ships of whatever nationality in German ports, will remain in or proceed immediately to ports and bases as specified by the Allied Representatives. The crews of such vessels will remain on board pending further instructions.

(b) All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of Germany or under German control at the time of this Declaration, will proceed at the dates and to the ports or bases specified by the Allied Representatives.

ARTICLE 5

(a) All or any of the following articles in the possession of the German armed forces or under German control or at German disposal will be held intact and in good condition at the disposal of the Allied Representatives, for such purposes and at such times and places as they may prescribe—

(i) all arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and all other war material;

(ii) all naval vessels of all classes, both surface and submarine, auxiliary naval craft and all merchant shipping, whether afloat, under repair or construction, built or building;

(iii) all aircraft of all kinds, aviation and anti-aircraft equipment and devices;

(iv) all transportation and communications facilities and equipment, by land, water or air;

(v) all military installations and establishments, including airfields, sea-plane bases, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments;

(vi) all factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions, designed or intended to produce or to facilitate the production or use of the articles,

materials and facilities referred to in sub-paragraphs (i), (ii), (iii), (iv) and (v) above or otherwise to further the conduct of war.

(b) At the demand of the Allied Representatives the following will be furnished:

(i) the labour, services and plant required for the maintenance or operation of any of the six categories mentioned in paragraph (a) above; and

(ii) any information or records that may be required by the Allied Representatives in connection with the same.

(c) At the demand of the Allied Representatives all facilities will be provided for the movement of Allied troops and agencies, their equipment and supplies, on the railways, roads and other land communications or by sea, river or air. All means of transportation will be maintained in good order and repair, and the labour, services and plant necessary therefor will be furnished.

ARTICLE 6

(a) The German authorities will release to the Allied Representatives, in accordance with the procedure to be laid down by them, all prisoners of war at present in their power, belonging to the forces of the United Nations, and will furnish full lists of these persons, indicating the places of their detention in Germany or territory occupied by Germany. Pending the release of such prisoners of war, the German authorities and people will protect them in their persons and property and provide them with adequate food, clothing, shelter, medical attention and money in accordance with their rank or official position.

(b) The German authorities and people will in like manner provide for and release all other nationals of the United Nations who are confined, interned or otherwise under restraint, and all other persons who may be confined, interned or otherwise under restraint for political reasons or as a result of any Nazi action, law or regulation which discriminates on the ground of race, colour, creed or political belief.

(c) The German authorities will, at the demand of the Allied Representatives, hand over control of places of detention to such officers as may be designated for the purpose by the Allied Representatives.

ARTICLE 7

The German authorities concerned will furnish to the Allied Representatives:

(a) full information regarding the forces referred to in Article 2(a), and, in particular, will furnish forthwith all information which the Allied Representatives may require concerning the numbers, locations and dispositions of such forces, whether located inside or outside Germany;

(b) complete and detailed information concerning mines, minefields and other obstacles to movement by land, sea or air, and the safety lanes in connection therewith. All such safety lanes will be kept open and clearly marked; all mines, minefields and other dangerous obstacles will as far as possible be rendered safe, and all aids to navigation will be reinstated. Unarmed German military and civilian personnel with the necessary equipment will be made available and utilised for the above purposes and for the removal of mines, minefields and other obstacles as directed by the Allied Representatives.

ARTICLE 8

There shall be no destruction, removal, concealment, transfer or scuttling of, or damage to, any military, naval, air, shipping, port, industrial, and other like property and facilities and all records and archives, wherever they may be situated, except as may be directed by the Allied Representatives.

ARTICLE 9

Pending the institution of control by the Allied Representatives over all means of communication, all radio and telecommunication installations and other forms of wire or wireless communications, whether ashore or afloat, under German control, will cease transmission except as directed by the Allied Representatives.

ARTICLE 10

The forces, ships, aircraft, military equipment, and other property in Germany or in German control or service or at German disposal, of any other country at war with any of the Allies, will be subject to the provisions of this Declaration and of any proclamations, orders, ordinances, or instructions issued thereunder.

ARTICLE 11

(a) The principal Nazi leaders as specified by the Allied Representatives, and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offenses, will be apprehended and surrendered to the Allied Representatives.

(b) The same will apply in the case of any national of any of the United Nations who is alleged to have committed an offense against his national law, and who may at any time be named or designated by rank, office or employment by the Allied Representatives.

(c) The German authorities and people will comply with any instructions given by the Allied Representatives for the apprehension and surrender of such persons.

ARTICLE 12

The Allied Representatives will station forces and civil agencies in any or all parts of Germany as they may determine.

ARTICLE 13

(a) In the exercise of the supreme authority with respect to Germany assumed by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, the four Allied Governments will take such steps, including the complete disarmament and demilitarisation of Germany, as they deem requisite for future peace and security.

(b) The Allied Representatives will impose on Germany additional political, administrative, economic, financial, military and other requirements arising from the complete defeat of Germany. The Allied Representatives, or persons or agencies duly designated to act on their authority, will issue proclamations, orders, ordinances and instructions for the purpose of laying down such additional requirements, and of giving effect to the other provisions of this Declaration. All German authorities and the German people shall carry out unconditionally the requirements of the Allied Representatives, and shall fully comply with all such proclamations, orders, ordinances and instructions.

ARTICLE 14

This Declaration enters into force and effect at the date and hour set forth below. In the event of failure on the part of the German authorities or people promptly and completely to fulfil their obligations hereby or hereafter imposed, the Allied Representatives will take whatever action may be deemed by them to be appropriate under the circumstances.

ARTICLE 15

This Declaration is drawn up in the English, Russian, French and German languages. The English, Russian and French are the only authentic texts.

BERLIN

5 June 1945,

1800 Hours—Central European Time

DWIGHT D. EISENHOWER *General of the Army, U.S.A.*

G. ZHUKOV *[Marshal of the Soviet Union]*

B. L. MONTGOMERY *Field-Marshal [United Kingdom]*

F. DE LATTRE-TASSIGNY *Général d'Armée [French Provisional Government]*

PROVISIONAL ADMINISTRATION OF VENEZIA GIULIA

Agreement signed at Belgrade June 9, 1945

Entered into force June 9, 1945

*Terminated by memorandum of understanding of October 5, 1954,¹
regarding Free Territory of Trieste*

59 Stat. 1855; Executive Agreement Series 501

1. The portion of the territory of Venezia Giulia west of the line on the attached map ² which includes Trieste, the railways and roads from there to Austria via Gorizia, Caporetto, and Tarvisio, as well as Pola and anchorages on the west coast of Istria will be under the Command and control of the Supreme Allied Commander.

2. All Naval, Military and air forces west of the line on the attached map will be placed under his command from the moment at which this agreement comes into force. Yugoslav forces in the area must be limited to a detachment of regular troops not exceeding 2000 of all ranks. These troops will be maintained by the Supreme Allied Commander's administrative services. They will occupy a district selected by the Supreme Allied Commander west of the dividing line and will not be allowed access to the rest of the area.

3. Using an Allied Military Government, the Supreme Allied Commander will govern the areas west of the line on the attached map, Pola and such other areas on the west coast of Istria as he may deem necessary. A small Yugoslav Mission may be attached to the Headquarters of the Eighth Army as observers. Use will be made of any Yugoslav civil administration which is already set up and which in the view of the Supreme Allied Commander is working satisfactorily. The Allied Military Government will, however, be empowered to use whatever civil authorities they deem best in any particular place and to change administrative personnel at their discretion.

4. Marshal Tito will withdraw the Yugoslav regular forces now in the portion of Venezia Giulia west of the line on the attached map as well as those in the town and vicinity of Pola by 08 hours GMT, June 12th 1945. Arrangements for the retention of the Yugoslav detachment referred to in paragraph 2

¹ 5 UST 2386; TIAS 3099.

² For map showing proposed "Morgan line," see 59 Stat. (inside back cover) or EAS 501.

will be worked out between the Supreme Allied Commander and the Yugoslav High Command.

5. Any irregular forces in this area will, according to the decision of the Supreme Allied Commander in each case, either hand in their arms to the Allied Military authorities and disband, or withdraw from the area.

6. The Yugoslav Government will return residents of the area whom they have arrested or deported with the exception of persons who possessed Yugoslav nationality in 1939, and make restitution of property they have confiscated or removed.

7. This agreement in no way prejudices or affects the ultimate disposal of the parts of Venezia Giulia west of the line. Similarly the military occupation and administration by Yugoslavia of the parts of Venezia Giulia east of the line in no way prejudices or affects the ultimate disposal of that area.

Signed at Belgrade, June 9, 1945.

DR. IVAN SUBASIC
Minister of Foreign Affairs
[Yugoslavia]

R. C. SKRINE STEVENSON
H. B. M. Ambassador

RICHARD C. PATTERSON JR.
U.S. Ambassador

PREPARATORY COMMISSION OF THE UNITED NATIONS

Interim arrangements signed at San Francisco June 26, 1945

Entered into force June 26, 1945

*Commission ceased to exist February 1, 1946, upon election of U.N.
Secretary-General*

59 Stat. 1411; Executive Agreement Series 461

INTERIM ARRANGEMENTS CONCLUDED BY THE GOVERNMENTS REPRESENTED AT THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

The Governments represented at the United Nations Conference on International Organization in the city of San Francisco,

Having determined that an international organization to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties,

Agree as follows:

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representatives of those governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons of special knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as possible of officials appointed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall :

- a. convoke the General Assembly in its first session ;
- b. prepare the provisional agenda for the first session of the principal organs of the Organization, and prepare documents and recommendations relating to all matters on these agenda ;
- c. formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged ;
- d. examine the problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the Organization ;
- e. issue invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court ;
- f. prepare recommendations concerning arrangements for the Secretariat of the Organization ; and
- g. make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances from governments shall be deductible from their first contributions to the Organization.

6. The seat of the Commission shall be located in London. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary-General of the Organization, at which time its property and records shall be transferred to the Organization.

8. The Government of the United States of America shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed.

Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive Secretary on his appointment.

9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to be the original Members of the United Nations until the Commission is dissolved in accordance with paragraph 7.

In faith whereof, the undersigned representatives having been duly authorized for that purpose, sign this document in the English, French, Chinese, Russian and Spanish languages, all texts being of equal authenticity.

Done at the city of San Francisco this twenty-sixth day of June, one thousand nine hundred and forty-five.

For China:

VI-KYUIN WELLINGTON KOO
WANG CHUNG-HUI
WEI TAO-MING
WU YI-FANG
LI HWANG
CHUN-MAI CARSON CHANG
TUNG PI-WU
HU LIN

For the Union of Soviet Socialist
Republics:

A. GROMYKO
A. LAVRENTIEV
K. NOVIKOV
S. TSARAPKIN
S. GOLUNSKY
S. KRYLOV
RODIONOV

For the United Kingdom of Great Britain
and Northern Ireland:

HALIFAX
CRANBORNE

For the United States of America:

E. R. STETTINIUS, JR.
CORDELL HULL
TOM CONNALLY
A. H. VANDENBERG
SOL BLOOM
CHARLES A. EATON
HAROLD E. STASSEN
VIRGINIA C. GILDERSLEEVE

For France:

J. PAUL-BONCOUR

For Argentina:

M. CÁRCANO
O. IBARRA G.
JUAN CARLOS BASSI
A. D. BRUNET

For Australia:

F. M. FORDE
H. V. EVATT

For the Kingdom of Belgium:

A. E. DE SCHRYVER

For Bolivia:

V. ANDRADE
C. SALAMANCA F.
E. ARZE Q.

For Brazil:

P. LEÃO VELLOSO
C. DE FREITAS VALLE
GEN. ESTEVAO LEITAO DE CARVALHO
A. CAMILLO DE OLIVEIRA
DR. BERTHA LUTZ

For the Byelorussian Soviet Socialist
Republic:

K. KISELEV
A. ZHEBRUK
V. PERTSEV
G. BAIDAKOV
F. SHMYGAV

For Canada:

W. L. MACKENZIE KING
LOUIS S. ST. LAURENT

For Chile:

JOAQUÍN FERNÁNDEZ F.
MARCIAL MORA M.
JOSÉ MAZA
GABRIEL GONZÁLEZ
CONTRERAS LABARCA
F. NIETO DEL RÍO
E. ALCALDE C.
GERMÁN VERGARA
JULIO ESCUDERO

- For Colombia:
ALBERTO LLERAS
AL. GONZÁLEZ FERNÁNDEZ
EDUARDO ZULETA ANGEL
SILVIO VILLEGAS
JESÚS M. YEPES
- For Costa Rica:
JULIO ACOSTA
J. RAFAEL OREAMUNO
- For Cuba:
GMO BELT
ERNESTO DIHIGO
- For Czechoslovakia:
JAN MASARYK
- For Denmark:
HENRIK KAUFFMANN
HARTVIG FRISCH
E. HUSFELDT
- For the Dominican Republic:
M. PEÑA BATLLE
EMILIO G. GODOY
GILBERTO SÁNCHEZ LUSTRINO
T. FRANCO F.
MINERVA BERNARDINO
- For Ecuador:
C. PONCE ENRÍQUEZ
GALO PLAZA
C. TOBAR ZALDUMBIDE
- For Egypt:
A. BADAWI
IB. HADI
- For El Salvador:
HÉCTOR DAVID CASTRO
CARLOS LEIVA, M. D.
- For Ethiopia:
AKLILU H.
AMBAYE W.
EPHREM T. MEDHEN
- For Greece:
J. A. SOFIANOPOULOS
- For Guatemala:
GUILLERMO TORIELLO
M. NORIEGA M.
E. SILVA PEÑA
- For Haiti:
GERARD LESCOT
A. LIAUTAUD
- For Honduras:
JULIÁN R. CÁCERES
MARCOS CARÍAS REYES
VIRGILIO R. GALVEZ
- For India:
A. RAMASWAMI MUDALIAR
V. T. KRISHNAMACHARI
- For Iran:
MOSTAFA ADLE
- For Iraq:
MOHD. FADHEL JAMALI
- For Lebanon:
W. NAIM
A. YAFI
SALEM
CHARLES MALIK
- For Liberia:
C. L. SIMPSON
GABRIEL L. DENNIS
J. LEMUEL GIBSON
RICHARD HENRIES
M. N. GRANT
- For the Grand Duchy of Luxembourg:
HUGUES LE GALLAIS
- For Mexico:
E. PADILLA
F. CASTILLO NÁJERA
MANUEL TELLO
- For the Kingdom of the Netherlands:
A. LOUDON
- For New Zealand:
PETER FRASER
C. A. BERENDSEN
- For Nicaragua:
MARIANO ARGÜELLO
LUIS MANUEL DE BAYLE
- For the Kingdom of Norway:
WILHELM MUNTHE MORGENSTIERNE
- For Panama:
ROBERTO JIMÉNEZ
- For Paraguay:
CELSO R. VELÁZQUEZ
J. B. AYALA
- For Peru:
MANUEL C. GALLAGHER
V. A. BELAUNDE
LUIS FERNÁN CISNEROS

For the Philippine Commonwealth:

CARLOS P. ROMULO
FRANCISCO A. DELGADO

For Poland:

For Saudi Arabia:

FAISAL

For Syria:

F. AL-KHOURI
N. ANTAKI
N. KOUDSI

For Turkey:

HASAN SAKA
HUSEYIN RAGIP BAYDUR
FERIDUN CEMAL ERKIN

For the Ukrainian Soviet Socialist
Republic:

DM. MANUILSKY
IVAN SENIN
ALEXANDER PALLADIN
MIKOLA PETROVSKY

For the Union of South Africa:

J. C. SMUTS F. M.

For Uruguay:

JOSÉ SERRATO
JACOBO VARELA
HÉCTOR LUISI
CY GIAMBRUNO
JUAN F. GUICHÓN
HÉCTOR PAYSSÉ REYES

For Venezuela:

C. PARRA PÉREZ
GUSTAVO HERRERA
A. MACHADO HNDZ
R. ERNESTO LÓPEZ

For Yugoslavia:

STANOJE SIMIĆ

CHARTER OF THE UNITED NATIONS AND STATUTE OF THE INTERNATIONAL COURT OF JUSTICE ¹

Signed at San Francisco June 26, 1945

Senate advice and consent to ratification July 28, 1945

Ratified by the President of the United States August 8, 1945

Ratification of the United States deposited at Washington August 8, 1945

Entered into force October 24, 1945

Proclaimed by the President of the United States October 31, 1945

Articles 23, 27, and 61 of Charter amended in accordance with text adopted by United Nations General Assembly December 17, 1963;² article 109 amended in accordance with text adopted by United Nations General Assembly December 20, 1965³

59 Stat. 1031; Treaty Series 993

CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS
DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

¹ For a declaration by the President of the United States Aug. 14, 1946, regarding U.S. recognition of the compulsory jurisdiction of the International Court of Justice, see TIAS 1598, *post*, vol. 4.

² 16 UST 1134; TIAS 5857.

³ 19 UST 5450; TIAS 6529.

to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II

MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942,⁴ sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from

⁴ EAS 236, *ante*, p. 697.

the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapter XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and

Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

Composition

Article 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard

being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the

permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek

a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security,

it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on

respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

*Voting**Article 67*

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

*Procedure**Article 68*

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with nongovernmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-

neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their

alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

Composition

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

*Functions and Powers**Article 87*

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

*Voting**Article 89*

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

*Procedure**Article 90*

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute,

which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV

THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI

MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this

Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943,⁵ and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

⁵ *Ante*, p. 821.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the

Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

In faith whereof the representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national

groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907^a for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

^a Convention signed at The Hague Oct. 18, 1907 (TS 536), *ante*, vol. 1, p. 593.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election,

the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.
2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.
3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
 - a. the interpretation of a treaty;
 - b. any question of international law;
 - c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.⁷

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

b. international custom, as evidence of a general practice accepted as law;

c. the general principles of law recognized by civilized nations;

d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III

PROCEDURE

Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment

⁷ For text of U.S. declaration of Aug. 14, 1946, deposited Aug. 26, 1946, see TIAS 1598, *post*, vol. 4.

shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV

ADVISORY OPINIONS

Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

CHAPTER V

AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that

Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

For China:

VI-KYUIN WELLINGTON KOO
WANG CHUNG-HUI
WEI TAO-MING
WU YI-FANG
LI HWANG
CHUN-MAI CARSON CHANG
TUNG PI-WU
HU LIN

For the Union of Soviet Socialist Republics:

A. GROMYKO
A. LAVRENTIEV
K. NOVIKOV
S. TSARAPKIN
S. GOLUNSKY
S. KRYLOV
RODIONOV

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX
CRANBORNE

For the United States of America:

E. R. STETTINIUS, JR.
CORDELL HULL
TOM CONNALLY
A. H. VANDENBERG
SOL BLOOM
CHARLES A. EATON
HAROLD E. STASSEN
VIRGINIA C. GILDERSLEEVE

For France:

J. PAUL-BONCOUR

For Argentina:

M. CÁRCANO
O. IBARRA G.
JUAN CARLOS BASSI
A. D. BRUNET

For Australia:

F. M. FORDE
H. V. EVATT

For the Kingdom of Belgium:

A. E. DE SCHRYVER

For Bolivia:

V. ANDRADE
C. SALAMANCA F.
E. ARZE Q.

For Brazil:

P. LEÃO VELLOSO
C. DE FREITAS VALLE
GEN. ESTEVAO LEITAO DE CARVALHO
A. CAMILLO DE OLIVEIRA
DR. BERTHA LUTZ

For the Byelorussian Soviet Socialist Republic:

K. KISELEV
A. ZHEBRAK
V. PERTSEV
G. BAIDAKOV
F. SHMYGAV

For Canada:

W. L. MACKENZIE KING
LOUIS S. ST. LAURENT

For Chile:

JOAQUÍN FERNÁNDEZ F.
MARCIAL MORA M.
JOSÉ MAZA
GABRIEL GONZÁLEZ
CONTRERAS LABARCA
F. NIETO DEL RÍO
E. ALCALDE C.
GERMÁN VERGARA
JULIO ESCUDERO

For Colombia:

ALBERTO LLERAS
AL. GONZÁLEZ FERNÁNDEZ
EDUARDO ZULETA ANGEL
SILVIO VILLEGAS
JESÚS M. YEPES

For Costa Rica:

JULIO ACOSTA
J. RAFAEL OREAMUNO

- For Cuba:
GMO. BELT
ERNESTO DIHIGO
- For Czechoslovakia:
JAN MASARYK
- For Denmark:
HENRIK KAUFFMANN
HARTVIG FRISCH
E. HUSFELDT
- For the Dominican Republic:
M. PEÑA BATLLE
EMILIO G. GODOY
GILBERTO SÁNCHEZ LUSTRINO
T. FRANCO F.
MINERVA BERNARDINO
- For Ecuador:
C. PONCE ENRÍQUEZ
GALO PLAZA
C. TOBAR ZALDUMBIDE
- For Egypt:
A. BADAWI
IB. HADI
- For El Salvador:
HÉCTOR DAVID CASTRO
CARLOS LEIVA, M. D.
- For Ethiopia:
AKLILU H.
AMBAYE W.
EPHREM T. MEDHEN
- For Greece:
J. A. SOFIANOPOULOS
- For Guatemala:
GUILLERMO TORIELLO
M. NORIEGA M.
E. SILVA PEÑA
- For Haiti:
GERARD LESCOT
A. LIAUTAUD
- For Honduras:
JULIÁN R. CÁCERES
MARCOS CARÍAS REYES
VIRGILIO R. GALVEZ
- For India:
A. RAMASWAMI MUDALIAR
V. T. KRISHNAMACHARI
- For Iran:
MOSTAFA ADLE
- For Iraq:
MOHD. FADHEL JAMALI
- For Lebanon:
W. NAIM
A. YAFI
SALEM
CHARLES MALIK
- For Liberia:
C. L. SIMPSON
GABRIEL L. DENNIS
J. LEMUEL GIBSON
RICHARD HENRIES
M. N. GRANT
- For the Grand Duchy of Luxembourg:
HUGHES LE GALLAIS
- For Mexico:
E. PADILLA
F. CASTILLO NÁJERA
MANUEL TELLO
- For the Kingdom of the Netherlands:
A. LOUDON
- For New Zealand:
PETER FRASER
C. A. BERENDSEN
- For Nicaragua:
MARIANO ARGÜELLO
LUIS MANUEL DE BAYLE
- For the Kingdom of Norway:
WILHELM MUNTHE MORGENSTIERNE
- For Panama:
ROBERTO JIMÉNEZ
- For Paraguay:
CELSO R. VELÁZQUEZ
J. B. AYALA
- For Peru:
MANUEL C. GALLAGHER
V. A. BELAUNDE
LUIS FERNÁN CISNEROS
- For the Philippine Commonwealth:
CARLOS P. ROMULO
FRANCISCO A. DELGADO
- For Poland:
W. RZYMOWSKI
October 15, 1945
- For Saudi Arabia:
FAISAL
- For Syria:
F. AL-KHOURI
N. ANTAKI
N. KOUDSI

For Turkey:

HASAN SAKA
HUSEYIN RAGIP BAYDUR
FERIDUN CEMAL ERKIN

For the Ukrainian Soviet Socialist
Republic:

DM. MANULSKY
IVAN SENIN
ALEXANDER PALLADIN
MIKOLA PETROVSKY

For the Union of South Africa:
J. C. SMUTS F. M.

For Uruguay:

JOSÉ SERRATO
JACOBO VARELA
HÉCTOR LUISI
CY GIAMBRUNO
JUAN F. GUICHÓN
HÉCTOR PAYSSÉ REYES

For Venezuela:

C. PARA PÉREZ
GUSTAVO HERRERA
A. MACHADO HNDZ
R. ERNESTO LÓPEZ

For Yugoslavia:

STANOJE SIMIĆ

CONTROL MACHINERY IN AUSTRIA

*Agreement signed in the European Advisory Commission at London
July 4, 1945*

Notification of United States approval dated July 24, 1945

Entered into force July 24, 1945

Terminated by agreement of June 28, 1946¹

Department of State files

AGREEMENT ON CONTROL MACHINERY IN AUSTRIA

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of the French Republic;

in view of the declaration issued at Moscow on the 1st November 1943,² in the name of the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, whereby the three Governments announced their agreement that Austria should be liberated from German domination, and declared that they wished to see re-established a free and independent Austria; and in view of the subsequent declaration issued at Algiers on 16th November, 1943, by the French Committee of National Liberation, concerning the independence of Austria;

have reached the following agreement with regard to the Allied Control Machinery which will operate in Austria until the establishment of a freely elected Austrian government recognized by the four Powers:

ARTICLE 1

The Allied Control Machinery in Austria will consist of an Allied Council, an Executive Committee and staffs appointed by the four Governments concerned, the whole organisation being known as the Allied Commission for Austria.

ARTICLE 2

(a) The Allied Council will consist of four Military Commissioners, one appointed by each of the Governments concerned. In addition to being members of the Allied Council, the Military Commissioners will each be in supreme command of the forces of occupation in Austria furnished by his Government.

¹ TIAS 2097, *post*, vol. 4.

² *Ante*, p. 827.

Supreme authority in Austria will be exercised jointly, in respect of matters affecting Austria as a whole, by the Military Commissioners on instructions from their respective Governments, in their capacity as members of the Allied Council. Subject to this, each Military Commissioner, in his capacity as Commander-in-Chief of the forces of occupation furnished by his Government, will exercise supreme authority in the zone occupied by those forces. Each Commander-in-Chief in his zone of occupation will have attached to him for liaison duties military, naval and air representatives of the other Commanders-in-Chief of forces of occupation in Austria.

(b) The Allied Council will meet at least once in ten days; and it will meet at any time upon request of any one of its members. Decisions of the Allied Council shall be unanimous. The Chairmanship of the Allied Council will be held in rotation by each of its four members.

(c) Each Military Commissioner will be assisted by a political adviser who will, when necessary, attend meetings of the Allied Council.

ARTICLE 3

The Executive Committee will consist of one high-ranking representative of each of the four Commissioners. Members of the Executive Committee will, when necessary, attend meetings of the Allied Council.

ARTICLE 4

(a) The staffs of the Allied Commission in Vienna, appointed by their respective national authorities, will be organised in the following Divisions:

Military; Naval; Air; Economic; Finance; Reparation, Deliveries and Restitution; Internal Affairs; Labour; Legal; Prisoners of War and Displaced Persons; Political; and Transport.

Adjustments in the number and functions of the Divisions may be made in the light of experience.

(b) At the head of each Division there will be four officials, one from each Power. Heads of Divisions will take part in meetings of the Executive Committee at which matters affecting the work of their Divisions are on the agenda.

(c) The staffs of the Divisions may include civilian as well as military personnel. They may also, in special cases, include nationals of other United Nations, appointed in a personal capacity.

ARTICLE 5

The Allied Council will

(a) initiate plans and reach decisions of the chief military, political, economic and other questions affecting Austria as a whole, on the basis of instructions received by each Commissioner from his Government;

(b) ensure appropriate uniformity of action in the zones of occupation.

ARTICLE 6

The Executive Committee, acting on behalf of the Allied Council, will

- (a) ensure the carrying out of the decisions of the Allied Council through the appropriate Divisions of the Allied Commission referred to in Article 4;
- (b) co-ordinate the activities of the Divisions of the Allied Commission, and examine and prepare all questions referred to it by the Allied Council.

ARTICLE 7

The Divisions of the Allied Commission will

- (a) advise the Allied Council and the Executive Committee;
- (b) carry out the decisions of the Allied Council conveyed to them through the Executive Committee.

ARTICLE 8

The primary tasks of the Allied Commission for Austria will be

- (a) to ensure the enforcement in Austria of the provisions of the Declaration regarding the defeat of Germany signed at Berlin on 5th June, 1945;
- (b) to achieve the separation of Austria from Germany;
- (c) to secure the establishment, as soon as possible, of a central Austrian administrative machine;
- (d) to prepare the way for the establishment of a freely elected Austrian government;
- (e) meanwhile to provide for the administration of Austria to be carried on satisfactorily.

ARTICLE 9

In the period before the establishment of departments of a central Austrian administration, which period shall be as short as possible, the decisions of the Allied Commission, insofar as they may require action in the respective zones, will be carried out through the occupation authorities. The necessary instructions to those authorities will be given by the respective Military Commissioners, in their capacity as Commanders-in-Chief, on the basis of decisions of the Allied Council.

ARTICLE 10

As soon as departments of a central Austrian administration are in a position to operate satisfactorily, they will be directed to assume their respective functions as regards Austria as a whole. In the fulfilment of its tasks, the Allied Commission will thenceforward work through such departments. It will then be the duty of the Divisions of the Allied Commission to control the activities of the respective departments and to communicate to them the decisions of the Allied Council and Executive Committee.

ARTICLE 11

(a) An Inter-Allied Governing Authority (Komendatura) consisting of four Commandants, one from each Power, appointed by their respective Commissioners, will be established to direct jointly the administration of the City of Vienna. Each of the Commandants will serve in rotation, in the position of Chief Commandant, as head of the Inter-Allied Governing Authority.

(b) A Technical Staff, consisting of personnel of each of the four Powers, will be established under the Inter-Allied Governing Authority, and will be organised for the purpose of supervising and controlling the activities of the organs of the City of Vienna responsible for its municipal services.

(c) The Inter-Allied Governing Authority will operate under the general direction of the Allied Council and will receive orders through the Executive Committee.

ARTICLE 12

The necessary liaison with the Governments of other United Nations chiefly interested will be ensured by the appointment by such Governments of military missions (which may include civilian members) to the Allied Council.

ARTICLE 13

United Nations' organisations which may be admitted by the Allied Council to operate in Austria will, in respect to their activities in Austria, be subordinate to the Allied Commission and answerable to it.

ARTICLE 14

The nature and extent of the Allied direction and guidance which will be required after the establishment of a freely elected Austrian Government recognised by the four Powers will form the subject of a separate agreement between those Powers.

The above text of the Agreement on Control Machinery in Austria between the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 4th July, 1945.³

Representative of the Government of the
United States of America on the Euro-
pean Advisory Commission:

JOHN G. WINANT

Representative of the Government of the
Union of Soviet Socialist Republics on
the European Advisory Commission:

F. T. GOUSEV

³ Notices of approval were dated as follows: by the United Kingdom July 12, 1945; by France July 12, 1945; by the Union of Soviet Socialist Republics July 21, 1945; and by the United States July 24, 1945.

Representative of the Government of the
United Kingdom on the European
Advisory Commission:
RONALD I. CAMPBELL

Representative of the Provisional Govern-
ment of the French Republic on the
European Advisory Commission:
R. MASSIGLI

LANCASTER HOUSE,
LONDON. S.W.1.
4th July, 1945.

ZONES OF OCCUPATION IN AUSTRIA; ADMINISTRATION OF VIENNA

*Agreement signed in the European Advisory Commission at London
July 9, 1945*

Notification of United States approval dated July 24, 1945

Entered into force July 24, 1945

*Terminated October 25, 1955, by Austrian State Treaty of May 15,
1955*¹

61 Stat. 2679; Treaties and Other
International Acts Series 1600

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC ON ZONES OF OCCUPATION IN AUSTRIA AND THE ADMINISTRATION OF THE CITY OF VIENNA

1. The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of the French Republic have agreed that the territory of Austria within her frontiers as they were on 31st December, 1937, will be occupied by armed forces of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic.

2. For the purposes of occupation, Austria will be divided as follows into four zones, one of which will be allotted to each of the four Powers, and a special Vienna area which will be jointly occupied by armed forces of the four Powers:

North-Eastern (Soviet)
Zone (as shown on the an-
nexed map "A"²)

The province of Lower Austria with the exception of the City of Vienna, that part of the province of Upper Austria situated on the left bank of the Danube, and the province of Burgenland which existed prior to the Decree of 1st October, 1938,³ concerning boundary changes in Austria, will be occupied by armed forces of the Union of Soviet Socialist Republics.

¹ 6 UST 2369; TIAS 3298.

² For maps "A" and "B," see 61 Stat. 2679 or TIAS 1600.

³ "The Law Concerning Territorial Changes in Austria since October 1, 1938" (*Reichsgesetzblatt*, part 1, p. 1333 (1938)).

North-Western (United States) Zone (as shown on the annexed map "A")

The province of Salzburg and that part of the province of Upper Austria situated on the right bank of the Danube will be occupied by armed forces of the United States.

Western (French) Zone (as shown on the annexed map "A")

The provinces of Tirol and Vorarlberg will be occupied by armed forces of the French Republic.

Southern (United Kingdom) Zone (as shown on the annexed map "A")

The province of Carinthia, including Ost Tirol, and the province of Styria, except the area of the Burgenland as it existed before the Decree of 1st October, 1938, will be occupied by armed forces of the United Kingdom.

City of Vienna

The territory of the City of Vienna will be divided into the following parts as shown on the annexed map "B" ²:

The districts of Leopoldstadt, Brigittenau, Floridsdorf, Wieden and Favoriten will be occupied by armed forces of the Soviet Union;

The districts of Neubau, Josefstadt, Hernals, Alsergrund, Währing and Döbling will be occupied by armed forces of the United States of America;

The districts of Mariahilf, Penzing, Fünfhaus (including the district of Rudolfsheim) and Ottakring will be occupied by armed forces of the French Republic;

The districts of Hietzing, Margareten, Meidling, Landstrasse and Simmering will be occupied by armed forces of the United Kingdom.

The district of Innere Stadt will be occupied by armed forces of the four Powers.

3. Boundaries between the zones of occupation, with the exception of the boundaries of the City of Vienna and of the province of Burgenland, will be those obtaining after the coming into effect of the Decree of 1st October, 1938, concerning boundary changes in Austria. The boundaries of the City of Vienna and of the province of Burgenland will be those which existed on 31st December, 1937.

4. An inter-Allied Governing Authority (Komendatura), consisting of four Commandants appointed by their respective Commanders-in-Chief, will be established to direct jointly the administration of the City of Vienna.

5. The Tulln airdrome, together with all installations and facilities pertaining thereto, will be under the administrative and operational control of the armed forces of the United States of America. The Schwechat airdrome, together with all installations and facilities pertaining thereto, will be under the administrative and operational control of the armed forces of

the United Kingdom for the joint use of the British and French armed forces. The armed forces and officials of the occupying Powers will enjoy free and unimpeded access to the airdromes assigned to their respective occupancy and use.

6. The present Agreement has been drawn up in quadruplicate in the English, Russian and French languages. All three texts are authentic.

7. The present Agreement will come into force as soon as it has been approved by the four Governments.⁴

The above text of the Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic on the Zones of Occupation in Austria and the Administration of the City of Vienna has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 9th July, 1945.

Representative of the Government of the
United States of America on the Euro-
pean Advisory Commission:

JOHN G. WINANT

Representative of the Government of the
United Kingdom on the European Ad-
visory Commission:

RONALD I. CAMPBELL

Representative of the Government of the
Union of Soviet Socialist Republics on
the European Advisory Commission:

F. T. GOUSEV

Representative of the Provisional Govern-
ment of the French Republic on the
European Advisory Commission:

R. MASSIGLI

LANCASTER HOUSE,
LONDON, S.W.1.
9th July, 1945

⁴ Notices of approval were dated as follows: by the United Kingdom July 12, 1945; by France July 16, 1945; by the Union of Soviet Socialist Republics July 21, 1945; and by the United States July 24, 1945.

TERMS FOR JAPANESE SURRENDER ¹

Proclamation approved at Berlin (Potsdam) July 26, 1945

1945 For. Rel. (Conference of Berlin
(Potsdam), II) 1474

PROCLAMATION BY THE HEADS OF GOVERNMENTS, UNITED STATES, CHINA AND THE UNITED KINGDOM ²

(1) We, the President of the United States, the President of the National Government of the Republic of China and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.

(2) The prodigious land, sea and air forces of the United States, the British Empire and of China, many times reinforced by their armies and air fleets from the west are poised to strike the final blows upon Japan. This military power is sustained and inspired by the determination of all the Allied nations to prosecute the war against Japan until she ceases to resist.

(3) The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges on Japan is immeasurably greater than that which, when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, *will* ³ mean the inevitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland.

(4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

(5) Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.

¹ A treaty of peace with Japan (3 UST 3169; TIAS 2490) was signed at San Francisco Sept. 8, 1951, and entered into force Apr. 28, 1952.

² For a Soviet statement of Aug. 8, 1945, adhering to "the statement of the Allied powers of July 26, 1945" and declaring war on Japan, see 1945 For. Rel. (Conference of Berlin (Potsdam), II) 1474. For a letter of Aug. 11, 1945, in which the French Ambassador at Washington informed the Secretary of State that France had given "its full consent to the ultimatum sent to Japan on July 26," see *ibid.*, p. 1555.

³ The words printed in italics throughout this document were originally underscored, apparently to call attention to changes from an earlier draft. This emphasis was inadvertently carried over into later drafts and into the final text of the proclamation (*ibid.*, p. 1475).

(6) There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world.

(7) Until such a new order is established *and* until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

(8) The terms of the Cairo Declaration ⁴ shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

(9) The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

(10) We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.

(11) Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those industries which would enable her to re-arm for war. To this end, access to, as distinguished from control of raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.

(12) The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.

(13) We call upon the Government of Japan to proclaim now the unconditional surrender of all the Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.

POTSDAM, July 26, 1945

HARRY S. TRUMAN
WINSTON CHURCHILL
by H. S. T.⁵

PRESIDENT OF CHINA
by wire⁶

⁴ *Ante*, p. 858.

⁵ For Prime Minister Churchill's authorization, see 1945 For. Rel. (Conference of Berlin (Potsdam), II) 1279.

⁶ For Generalissimo Chiang Kai-shek's concurrence, see *ibid.*, p. 1282.

GERMANY: ZONES OF OCCUPATION AND ADMINISTRATION OF "GREATER BERLIN" AREA

*Agreement signed in the European Advisory Commission at London
July 26, 1945, amending protocol of September 12, 1944, as
amended*

Approved by the United States July 29, 1945

Entered into force August 13, 1945

[For text, see 5 UST 2093; TIAS 3071.]

BERLIN (POTSDAM) CONFERENCE, 1945

*Protocol of proceedings approved at Berlin (Potsdam) August 2, 1945,
with annexes*¹

*A Decade of American Foreign Policy:
Basic Documents, 1941-49* (U.S. Govern-
ment Printing Office, 1950), p. 34

The Berlin Conference of the Three Heads of Government of the U.S.S.R., U.S.A., and U.K., which took place from July 17 to August 2, 1945, came to the following conclusions:

I. ESTABLISHMENT OF A COUNCIL OF FOREIGN MINISTERS

A. The Conference reached the following agreement for the establishment of a Council of Foreign Ministers to do the necessary preparatory work for the peace settlements:

“(1) There shall be established a Council composed of the Foreign Ministers of the United Kingdom, the Union of Soviet Socialist Republics, China, France, and the United States.

“(2) (i) The Council shall normally meet in London which shall be the permanent seat of the joint Secretariat which the Council will form. Each of the Foreign Ministers will be accompanied by a high-ranking Deputy, duly authorized to carry on the work of the Council in the absence of his Foreign Minister, and by a small staff of technical advisers.

“(ii) The first meeting of the Council shall be held in London not later than September 1st 1945. Meetings may be held by common agreement in other capitals as may be agreed from time to time.

“(3) (i) As its immediate important task, the Council shall be authorized to draw up, with a view to their submission to the United Nations, treaties of peace with Italy, Rumania, Bulgaria, Hungary and Finland, and to propose settlements of territorial questions outstanding on the termination of the war in Europe. The Council shall be utilized for the preparation of a

¹ The Berlin Conference met at Potsdam from July 17 to Aug. 2, 1945. For complete documentation, see 1945 For. Rel. (Conference of Berlin (Potsdam) I and II).

peace settlement for Germany to be accepted by the Government of Germany when a government adequate for the purpose is established.

“(ii) For the discharge of each of these tasks the Council will be composed of the Members representing those States which were signatory to the terms of surrender imposed upon the enemy State concerned. For the purposes of the peace settlement for Italy, France shall be regarded as a signatory to the terms of surrender for Italy. Other Members will be invited to participate when matters directly concerning them are under discussion.

“(iii) Other matters may from time to time be referred to the Council by agreement between the Member Governments.

“(4) (i) Whenever the Council is considering a question of direct interest to a State not represented thereon, such State should be invited to send representatives to participate in the discussion and study of that question.

“(ii) The Council may adapt its procedure to the particular problems under consideration. In some cases it may hold its own preliminary discussions prior to the participation of other interested States. In other cases, the Council may convoke a formal conference of the States chiefly interested in seeking a solution of the particular problem.”

B. It was agreed that the three Governments should each address an identical invitation to the Governments of China and France to adopt this text and to join in establishing the Council. The text of the approved invitation was as follows:

Council of Foreign Ministers Draft for identical invitation to be sent separately by each of the Three Governments to the Governments of China and France

“The Governments of the United Kingdom, the United States and the U.S.S.R. consider it necessary to begin without delay the essential preparatory work upon the peace settlements in Europe. To this end they are agreed that there should be established a Council of the Foreign Ministers of the Five Great Powers to prepare treaties of peace with the European enemy States, for submission to the United Nations. The Council would also be empowered to propose settlements of outstanding territorial questions in Europe and to consider such other matters as member Governments might agree to refer to it.

“The text adopted by the Three Governments is as follows:

(Here insert final agreed text of the Proposal)

“In agreement with the Governments of the *United States and U.S.S.R., His Majesty's Government in the United Kingdom and U.S.S.R., the United States Government, the United Kingdom and the Soviet Government* extend a cordial invitation to the Government of *China (France)* to adopt

the text quoted above and to join in setting up the Council.² *His Majesty's Government, The United States Government, The Soviet Government* attach much importance to the participation of the *Chinese Government (French Government)* in the proposed arrangements and they hope to receive an early and favorable reply to this invitation."

C. It was understood that the establishment of the Council of Foreign Ministers for the specific purposes named in the text would be without prejudice to the agreement of the Crimea Conference³ that there should be periodical consultation between the Foreign Secretaries of the United States, the Union of Soviet Socialist Republics and the United Kingdom.

D. The Conference also considered the position of the European Advisory Commission in the light of the Agreement to establish the Council of Foreign Ministers. It was noted with satisfaction that the Commission had ably discharged its principal tasks by the recommendations that it had furnished for the terms of surrender for Germany, for the zones of occupation in Germany and Austria and for the inter-Allied control machinery in those countries. It was felt that further work of a detailed character for the coordination of Allied policy for the control of Germany and Austria would in future fall within the competence of the Control Council at Berlin and the Allied Commission at Vienna. Accordingly it was agreed to recommend that the European Advisory Commission be dissolved.

II. THE PRINCIPLES TO GOVERN THE TREATMENT OF GERMANY IN THE INITIAL CONTROL PERIOD

A. Political Principles

1. In accordance with the Agreement on Control Machinery in Germany, supreme authority in Germany is exercised, on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

² The words in italics, which were underscored in the original, were obviously intended to supply the form of invitation to be used by each of the three inviting Governments, but there appear to have been inadvertent omissions in the text. The first sentence of this paragraph presumably should read: "In agreement with the Governments of the *United States and U.S.S.R., His Majesty's Government in the United Kingdom (United Kingdom and U.S.S.R., the United States Government) (United States and United Kingdom, the Soviet Government)* extend[s] a cordial invitation to the Government of *China (France)* to adopt the text quoted above and to join in setting up the Council" (1945 For. Rel. (Conference of Berlin (Potsdam), II) 1480).

³ *Ante*, pp. 1011 and 1019.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are:

(i) The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production. To these ends:

(a) All German land, naval and air forces, the S. S., S. A., S. D., and Gestapo, with all their organizations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations and all other military and semi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganization of German militarism and Nazism:

(b) All arms, ammunition and implements of war and all specialized facilities for their production shall be held at the disposal of the Allies or destroyed. The maintenance and production of all aircraft and all arms, ammunition and implements of war shall be prevented.

(ii) To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made chaos and suffering inevitable.

(iii) To destroy the National Socialist Party and its affiliated and supervised organizations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

(iv) To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler regime or established discriminations on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise, shall be tolerated.

5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of re-

sponsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion.

9. The administration in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end:

(i) local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;

(ii) all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;

(iii) representative and elective principles shall be introduced into regional, provincial and state (Land) administration as rapidly as may be justified by the successful application of these principles in local self-government;

(iv) for the time being, no central German Government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.

B. Economic Principles

11. In order to eliminate Germany's war potential, the production of arms, ammunition and implements of war as well as all types of aircraft and sea-going ships shall be prohibited and prevented. Production of metals, chemicals, machinery and other items that are directly necessary to a war economy shall be rigidly controlled and restricted to Germany's approved post-war peacetime needs to meet the objectives stated in Paragraph 15. Productive capacity not needed for permitted production shall be removed in accordance with the reparations plan recommended by the Allied Commission on Repa-

rations and approved by the Governments concerned or if not removed shall be destroyed.

12. At the earliest practicable date, the German economy shall be decentralized for the purpose of eliminating the present excessive concentration of economic power as exemplified in particular by cartels, syndicates, trusts and other monopolistic arrangements.

13. In organizing the German Economy, primary emphasis shall be given to the development of agriculture and peaceful domestic industries.

14. During the period of occupation Germany shall be treated as a single economic unit. To this end common policies shall be established in regard to:

- (a) mining and industrial production and its allocation;
- (b) agriculture, forestry and fishing;
- (c) wages, prices and rationing;
- (d) import and export programs for Germany as a whole;
- (e) currency and banking, central taxation and customs;
- (f) reparation and removal of industrial war potential;
- (g) transportation and communications.

In applying these policies account shall be taken, where appropriate, of varying local conditions.

15. Allied controls shall be imposed upon the German economy but only to the extent necessary:

(a) to carry out programs of industrial disarmament, demilitarization, of reparations, and of approved exports and imports.

(b) to assure the production and maintenance of goods and services required to meet the needs of the occupying forces and displaced persons in Germany and essential to maintain in Germany average living standards not exceeding the average of the standards of living of European countries. (European countries means all European countries excluding the United Kingdom and the U.S.S.R.).

(c) to ensure in the manner determined by the Control Council the equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports.

(d) to control German industry and all economic and financial international transactions including exports and imports, with the aim of preventing Germany from developing a war potential and of achieving the other objectives named herein.

(e) to control all German public or private scientific bodies, research and experimental institutions, laboratories, et cetera, connected with economic activities.

16. In the imposition and maintenance of economic controls established by the Control Council, German administrative machinery shall be created

and the German authorities shall be required to the fullest extent practicable to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and any break-down in these controls will rest with themselves. Any German controls which may run counter to the objectives of occupation will be prohibited.

17. Measures shall be promptly taken:

- (a) to effect essential repair of transport;
- (b) to enlarge coal production;
- (c) to maximize agricultural output; and
- (d) to effect emergency repair of housing and essential utilities.

18. Appropriate steps shall be taken by the Control Council to exercise control and the power of disposition over German-owned external assets not already under the control of United Nations which have taken part in the war against Germany.

19. Payment of Reparations should leave enough resources to enable the German people to subsist without external assistance. In working out the economic balance of Germany the necessary means must be provided to pay for imports approved by the Control Council in Germany. The proceeds of exports from current production and stocks shall be available in the first place for payment for such imports.

The above clause will not apply to the equipment and products referred to in paragraphs 4 (a) and 4 (b) of the Reparations Agreement.

III. REPARATIONS FROM GERMANY

1. Reparation claims of the U.S.S.R. shall be met by removals from the zone of Germany occupied by the U.S.S.R., and from appropriate German external assets.

2. The U.S.S.R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western Zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U.S.S.R. from its own zone of occupation, the U.S.S.R. shall receive additionally from the Western Zones:

(a) 15 per cent of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries as is unnecessary for the German peace economy and should be removed from the Western Zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.

(b) 10 per cent of such industrial capital equipment as is unnecessary for the German peace economy and should be removed from the Western Zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (a) and (b) above shall be made simultaneously.

5. The amount of equipment to be removed from the Western Zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of products covered by 4(a) above shall begin as soon as possible and shall be made by the U.S.S.R. in agreed installments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German peace economy and therefore available for reparation shall be made by the Control Council under policies fixed by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the Zone Commander in the Zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect to such equipment as will be determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located in the Western Zones of Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the U.K. and U.S.A. renounce all claims in respect of reparations to shares of German enterprises which are located in the Eastern Zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

IV. DISPOSAL OF THE GERMAN NAVY AND MERCHANT MARINE

A. The following principles for the distribution of the German Navy were agreed:

(1) The total strength of the German surface navy, excluding ships sunk and those taken over from Allied Nations, but including ships under construction or repair, shall be divided equally among the U.S.S.R., U.K., and U.S.A.

(2) Ships under construction or repair mean those ships whose construction or repair may be completed within three to six months, according to the

type of ship. Whether such ships under construction or repair shall be completed or repaired shall be determined by the technical commission appointed by the Three Powers and referred to below, subject to the principle that their completion or repair must be achieved within the time limits above provided, without any increase of skilled employment in the German shipyards and without permitting the reopening of any German ship building or connected industries. Completion date means the date when a ship is able to go out on its first trip, or, under peacetime standards, would refer to the customary date of delivery by shipyard to the Government.

(3) The larger part of the German submarine fleet shall be sunk. Not more than thirty submarines shall be preserved and divided equally between the U.S.S.R., U.K., and U.S.A. for experimental and technical purposes.

(4) All stocks of armament, ammunition and supplies of the German Navy appertaining to the vessels transferred pursuant to paragraphs (1) and (3) hereof shall be handed over to the respective powers receiving such ships.

(5) The Three Governments agree to constitute a tripartite naval commission comprising two representatives for each government, accompanied by the requisite staff, to submit agreed recommendations to the Three Governments for the allocation of specific German warships and to handle other detailed matters arising out of the agreement between the Three Governments regarding the German fleet. The Commission will hold its first meeting not later than 15th August, 1945, in Berlin, which shall be its headquarters. Each Delegation on the Commission will have the right on the basis of reciprocity to inspect German warships wherever they may be located.

(6) The Three Governments agreed that transfers, including those of ships under construction and repair, shall be completed as soon as possible, but not later than 15th February, 1946. The Commission will submit fortnightly reports, including proposals for the progressive allocation of the vessels when agreed by the Commission.

B. The following principles for the distribution of the German Merchant Marine were agreed:

(1) The German Merchant Marine, surrendered to the Three Powers and wherever located, shall be divided equally among the U.S.S.R., the U.K., and the U.S.A. The actual transfers of the ships to the respective countries shall take place as soon as practicable after the end of the war against Japan. The United Kingdom and the United States will provide out of their shares of the surrendered German merchant ships appropriate amounts for other Allied States whose merchant marines have suffered heavy losses in the common cause against Germany, except that the Soviet Union shall provide out of its share for Poland.

(2) The allocation, manning, and operation of these ships during the Japanese War period shall fall under the cognizance and authority of the Combined Shipping Adjustment Board and the United Maritime Authority.

(3) While actual transfer of the ships shall be delayed until after the end of the war with Japan, a Tripartite Shipping Commission shall inventory and value all available ships and recommend a specific distribution in accordance with paragraph (1).

(4) German inland and coastal ships determined to be necessary to the maintenance of the basic German peace economy by the Allied Control Council of Germany shall not be included in the shipping pool thus divided among the Three Powers.

(5) The Three Governments agree to constitute a tripartite merchant marine commission comprising two representatives for each Government, accompanied by the requisite staff, to submit agreed recommendations to the Three Governments for the allocation of specific German merchant ships and to handle other detailed matters arising out of the agreement between the Three Governments regarding the German merchant ships. The Commission will hold its first meeting not later than September 1st, 1945, in Berlin, which shall be its headquarters. Each delegation on the Commission will have the right on the basis of reciprocity to inspect the German merchant ships wherever they may be located.

V. CITY OF KOENIGSBERG AND THE ADJACENT AREA

The Conference examined a proposal by the Soviet Government to the effect that pending the final determination of territorial questions at the peace settlement, the section of the western frontier of the Union of Soviet Socialist Republics which is adjacent to the Baltic Sea should pass from a point on the eastern shore of the Bay of Danzig to the east, north of Braunschberg-Goldap, to the meeting point of the frontiers of Lithuania, the Polish Republic and East Prussia.

The Conference has agreed in principle to the proposal of the Soviet Government concerning the ultimate transfer to the Soviet Union of the City of Koenigsberg and the area adjacent to it as described above subject to expert examination of the actual frontier.

The President of the United States and the British Prime Minister have declared that they will support the proposal of the Conference at the forthcoming peace settlement.

VI. WAR CRIMINALS

The Three Governments have taken note of the discussions which have been proceeding in recent weeks in London between British, United States, Soviet and French representatives with a view to reaching agreement on the methods of trial of those major war criminals whose crimes under the Moscow Declaration of October, 1943 ⁴ have no particular geographical localisation.

⁴ *Ante*, p. 834.

The Three Governments reaffirm their intention to bring these criminals to swift and sure justice. They hope that the negotiations in London will result in speedy agreement being reached for this purpose, and they regard it as a matter of great importance that the trial of these major criminals should begin at the earliest possible date.⁵ The first list of defendants will be published before 1st September.

VII. AUSTRIA

The Conference examined a proposal by the Soviet Government on the extension of the authority of the Austrian Provisional Government to all of Austria.

The three governments agreed that they were prepared to examine this question after the entry of the British and American forces into the city of Vienna.

It was agreed that reparations should not be exacted from Austria.

VIII. POLAND

A. *Declaration*

We have taken note with pleasure of the agreement reached among representative Poles from Poland and abroad which has made possible the formation, in accordance with the decisions reached at the Crimea Conference, of a Polish Provisional Government of National Unity recognized by the Three Powers. The establishment by the British and United States Governments of diplomatic relations with the Polish Provisional Government of National Unity has resulted in the withdrawal of their recognition from the former Polish Government in London, which no longer exists.

The British and United States Governments have taken measures to protect the interest of the Polish Provisional Government of National Unity as the recognized government of the Polish State in the property belonging to the Polish State located in their territories and under their control, whatever the form of this property may be. They have further taken measures to prevent alienation to third parties of such property. All proper facilities will be given to the Polish Provisional Government of National Unity for the exercise of the ordinary legal remedies for the recovery of any property belonging to the Polish State which may have been wrongfully alienated.

The Three Powers are anxious to assist the Polish Provisional Government of National Unity in facilitating the return to Poland as soon as practicable of all Poles abroad who wish to go, including members of the Polish Armed Forces and the Merchant Marine. They expect that those Poles who return home shall be accorded personal and property rights on the same basis as all Polish citizens.

The Three Powers note that the Polish Provisional Government of National Unity, in accordance with the decisions of the Crimea Conference,

⁵ For an agreement signed at London Aug. 8, 1945, see EAS 472, *post*, p. 1238.

has agreed to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot in which all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates, and that representatives of the Allied press shall enjoy full freedom to report to the world upon developments in Poland before and during the elections.

B. Western Frontier of Poland

In conformity with the agreement on Poland reached at the Crimea Conference the three Heads of Government have sought the opinion of the Polish Provisional Government of National Unity in regard to the accession of territory in the north and west which Poland should receive. The President of the National Council of Poland and members of the Polish Provisional Government of National Unity have been received at the Conference and have fully presented their views. The three Heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement.

The three Heads of Government agree that, pending the final determination of Poland's western frontier, the former German territories east of a line running from the Baltic Sea immediately west of Swinamunde, and thence along the Oder River to the confluence of the western Neisse River and along the Western Neisse to the Czechoslovak frontier, including that portion of East Prussia not placed under the administration of the Union of Soviet Socialist Republics in accordance with the understanding reached at this conference and including the area of the former free city of Danzig, shall be under the administration of the Polish State and for such purposes should not be considered as part of the Soviet zone of occupation in Germany.

IX. CONCLUSION OF PEACE TREATIES AND ADMISSION TO THE UNITED NATIONS ORGANIZATION

The three Governments consider it desirable that the present anomalous position of Italy, Bulgaria, Finland, Hungary and Rumania should be terminated by the conclusion of Peace Treaties. They trust that the other interested Allied Governments will share these views.

For their part the three Governments have included the preparation of a Peace Treaty for Italy as the first among the immediate important tasks to be undertaken by the new Council of Foreign Ministers. Italy was the first of the Axis Powers to break with Germany, to whose defeat she has made a material contribution, and has now joined with the Allies in the struggle against Japan. Italy has freed herself from the Fascist regime and is making good progress towards reestablishment of a democratic government and institutions. The conclusion of such a Peace Treaty with a recognized and democratic Italian Government will make it possible for the three Govern-

ments to fulfill their desire to support an application from Italy for membership of the United Nations.

The three Governments have also charged the Council of Foreign Ministers with the task of preparing Peace Treaties for Bulgaria, Finland, Hungary and Rumania. The conclusion of Peace Treaties with recognized democratic governments in these States will also enable the three Governments to support applications from them for membership of the United Nations. The three Governments agree to examine each separately in the near future, in the light of the conditions then prevailing, the establishment of diplomatic relations with Finland, Rumania, Bulgaria, and Hungary to the extent possible prior to the conclusion of peace treaties with those countries.

The three Governments have no doubt that in view of the changed conditions resulting from the termination of the war in Europe, representatives of the Allied press will enjoy full freedom to report to the world upon developments in Rumania, Bulgaria, Hungary and Finland.

As regards the admission of other States into the United Nations Organization, Article 4 of the Charter of the United Nations declares that:

1. Membership in the United Nations is open to all other peace-loving States who accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations;

2. The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

The three Governments, so far as they are concerned, will support applications for membership from those States which have remained neutral during the war and which fulfill the qualifications set out above.

The three Governments feel bound however to make it clear that they for their part would not favour any application for membership put forward by the present Spanish Government, which, having been founded with the support of the Axis Powers, does not, in view of its origins, its nature, its record and its close association with the aggressor States, possess the qualifications necessary to justify such membership.

X. TERRITORIAL TRUSTEESHIP

The Conference examined a proposal by the Soviet Government on the question of trusteeship territories as defined in the decision of the Crimea Conference and in the Charter of the United Nations Organization.

After an exchange of views on this question it was decided that the disposition of any former Italian colonial territories was one to be decided in connection with the preparation of a peace treaty for Italy and that the question of Italian colonial territory would be considered by the September Council of Ministers of Foreign Affairs.

XI. REVISED ALLIED CONTROL COMMISSION PROCEDURE IN RUMANIA,
BULGARIA, AND HUNGARY

The three Governments took note that the Soviet Representatives on the Allied Control Commission in Rumania, Bulgaria, and Hungary, have communicated to their United Kingdom and United States colleagues proposals for improving the work of the Control Commissions, now that hostilities in Europe have ceased.

The three Governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would now be undertaken, taking into account the interests and responsibilities of the three Governments which together presented the terms of armistice to the respective countries, and accepting as a basis, in respect of all three countries, the Soviet Government's proposals for Hungary as annexed hereto. (Annex I)

XII. ORDERLY TRANSFER OF GERMAN POPULATIONS

The Three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner.

Since the influx of a large number of Germans into Germany would increase the burden already resting on the occupying authorities, they consider that the Control Council in Germany should in the first instance examine the problem, with special regard to the question of the equitable distribution of these Germans among the several zones of occupation. They are accordingly instructing their respective representatives on the Control Council to report to their Governments as soon as possible the extent to which such persons have already entered Germany from Poland, Czechoslovakia and Hungary, to submit an estimate of the time and rate at which further transfers could be carried out having regard to the present situation in Germany.

The Czechoslovak Government, the Polish Provisional Government and the Control Council in Hungary are at the same time being informed of the above and are being requested meanwhile to suspend further expulsions pending an examination by the Governments concerned of the report from their representatives on the Control Council.

XIII. OIL EQUIPMENT IN RUMANIA

The Conference agreed to set up two bilateral commissions of experts, one to be composed of United Kingdom and Soviet Members, and one to be composed of United States and Soviet Members, to investigate the facts and examine the documents, as a basis for the settlement of questions arising from the removal of oil equipment in Rumania. It was further agreed that these experts shall begin their work within ten days, on the spot.

XIV. IRAN

It was agreed that Allied troops should be withdrawn immediately from Tehran, and that further stages of the withdrawal of troops from Iran should be considered at the meeting of the Council of Foreign Ministers to be held in London in September, 1945.

XV. THE INTERNATIONAL ZONE OF TANGIER

A proposal by the Soviet Government was examined and the following decisions were reached:

Having examined the question of the Zone of Tangier, the three Governments have agreed that this Zone, which includes the City of Tangier and the area adjacent to it, in view of its special strategic importance, shall remain international.

The question of Tangier will be discussed in the near future at a meeting in Paris of representatives of the Governments of the Union of Soviet Socialist Republics, the United States of America, the United Kingdom and France.

XVI. THE BLACK SEA STRAITS

The Three Governments recognized that the Convention concluded at Montreux should be revised as failing to meet present-day conditions.

It was agreed that as the next step the matter should be the subject of direct conversations between each of the three Governments and the Turkish Government.

XVII. INTERNATIONAL INLAND WATERWAYS

The Conference considered a proposal of the U.S. Delegation on this subject and agreed to refer it for consideration to the forthcoming meeting of the Council of Foreign Ministers in London.

XVIII. EUROPEAN INLAND TRANSPORT CONFERENCE

The British and U.S. Delegations to the Conference informed the Soviet Delegation of the desire of the British and U.S. Governments to reconvene the European Inland Transport Conference and stated that they would welcome assurance that the Soviet Government would participate in the work of the reconvened conference. The Soviet Government agreed that it would participate in this conference.

XIX. DIRECTIVES TO MILITARY COMMANDERS ON ALLIED CONTROL COUNCIL FOR GERMANY

The Three Governments agreed that each would send a directive to its representative on the Control Council for Germany informing him of all decisions of the Conference affecting matters within the scope of his duties.

XX. USE OF ALLIED PROPERTY FOR SATELLITE REPARATIONS OR "WAR TROPHIES"

The proposal (Annex II) presented by the United States Delegation was accepted in principle by the Conference, but the drafting of an agreement on the matter was left to be worked out through diplomatic channels.

XXI. MILITARY TALKS

During the Conference there were meetings between the Chiefs of Staff of the Three Governments on military matters of common interest.

ANNEX I

[Soviet Proposal]

TEXT OF A LETTER TRANSMITTED ON JULY 12 TO THE REPRESENTATIVES OF THE U.S. AND U.K. GOVERNMENTS ON THE ALLIED CONTROL COMMISSION IN HUNGARY

In view of the changed situation in connection with the termination of the war against Germany, the Soviet Government finds it necessary to establish the following order of work for the Allied Control Commission in Hungary.

1. During the period up to the conclusion of peace with Hungary the President (or Vice-President) of the ACC will regularly call conferences with the British and American representatives for the purpose of discussing the most important questions relating to the work of the ACC. The conferences will be called once in 10 days, or more frequently in case of need.

Directives of the ACC on questions of principle will be issued to the Hungarian authorities by the President of the Allied Control Commission after agreement on these directives with the English and American representatives.

2. The British and American representatives in the ACC will take part in general conferences of heads of divisions and delegates of the ACC, convoked by the President of the ACC, which meetings will be regular in nature. The British and American representatives will also participate personally or through their representatives in appropriate instances in mixed commissions created by the President of the ACC for questions connected with the execution by the ACC of its functions.

3. Free movement by the American and British representatives in the country will be permitted provided that the ACC is previously informed of the time and route of the journeys.

4. All questions connected with permission for the entrance and exit of members of the staff of the British and American representatives in Hungary will be decided on the spot by the President of the ACC within a time limit of not more than one week.

5. The bringing in and sending out by plane of mail, cargoes and dip-

lomatic couriers will be carried out by the British and American representatives on the ACC under arrangements and within time limits established by the ACC, or in special cases by previous coordination with the President of the ACC.

I consider it necessary to add to the above that in all other points the existing Statutes regarding the ACC in Hungary, which was confirmed on January 20, 1945,⁶ shall remain in force in the future.

ANNEX II

[United States Proposal]

USE OF ALLIED PROPERTY FOR SATELLITE REPARATIONS OR "WAR TROPHIES"

1. The burden of reparation and "war trophies" should not fall on Allied nationals.

2. *Capital Equipment*—We object to the removal of such Allied property as reparations, "war trophies", or under any other guise. Loss would accrue to Allied nationals as a result of destruction of plants and the consequent loss of markets and trading connections. Seizure of Allied property makes impossible the fulfillment by the satellite of its obligation under the armistice to restore intact the rights and interests of the Allied Nations and their nationals.

The United States looks to the other occupying powers for the return of any equipment already removed and the cessation of removals. Where such equipment will not or cannot be returned, the U.S. will demand of the satellite adequate, effective and prompt compensation to American nationals, and that such compensation have priority equal to that of the reparations payment.

These principles apply to all property wholly or substantially owned by Allied nationals. In the event of removals of property in which the American as well as the entire Allied interest is less than substantial, the U.S. expects adequate, effective, and prompt compensation.

3. *Current Production*—While the U.S. does not oppose reparation out of current production of Allied investments, the satellite must provide immediate and adequate compensation to the Allied nationals including sufficient foreign exchange or products so that they can recover reasonable foreign currency expenditures and transfer a reasonable return on their investment. Such compensation must also have equal priority with reparations.

We deem it essential that the satellites not conclude treaties, agreements or arrangements which deny to Allied nationals access, on equal terms, to their trade, raw materials and industry; and appropriately modify any existing arrangements which may have that effect.

BERLIN, 2nd August, 1945.

JOSEPH V. STALIN
HARRY TRUMAN
C. R. ATTLEE

⁶ *Ante*, p. 1002.

BERLIN (POTSDAM) CONFERENCE, 1945

*Report approved at Berlin (Potsdam) August 2, 1945*¹

1945 For. Rel. (Conference of Berlin
(Potsdam), II) 1499

REPORT ON THE TRIPARTITE CONFERENCE OF BERLIN

I

On July 17, 1945, the President of the United States of America, Harry S. Truman, the Chairman of the Council of People's Commissars of the Union of Soviet Socialist Republics, Generalissimo J. V. Stalin, and the Prime Minister of Great Britain, Winston S. Churchill, together with Mr. Clement R. Attlee, met in the Tripartite Conference of Berlin. They were accompanied by the foreign secretaries of the three Governments, Mr. James F. Byrnes, Mr. V. M. Molotov, and Mr. Anthony Eden, the Chiefs of Staff, and other advisers.

There were nine meetings between July 17 and July 25. The Conference was then interrupted for two days while the results of the British general election were being declared.

On July 28 Mr. Attlee returned to the Conference as Prime Minister, accompanied by the new Secretary of State for Foreign Affairs, Mr. Ernest Bevin. Four days of further discussion then took place. During the course of the Conference there were regular meetings of the Heads of the Three Governments accompanied by the foreign secretaries, and also of the Foreign Secretaries alone. Committees appointed by the Foreign Secretaries for preliminary consideration of questions before the Conference also met daily.

The meetings of the Conference were held at the Cecilienhof near Potsdam. The Conference ended on August 2, 1945.

Important decisions and agreements were reached. Views were exchanged on a number of other questions and consideration of these matters will be continued by the Council of Foreign Ministers established by the Conference.

President Truman, Generalissimo Stalin and Prime Minister Attlee leave this Conference, which has strengthened the ties between the three govern-

¹ The Berlin Conference met at Potsdam from July 17 to Aug. 2, 1945.

ments and extended the scope of their collaboration and understanding, with renewed confidence that their governments and peoples, together with the other United Nations, will ensure the creation of a just and enduring peace.

II

ESTABLISHMENT OF A COUNCIL OF FOREIGN MINISTERS

The Conference reached an agreement for the establishment of a Council of Foreign Ministers representing the five principal Powers to continue the necessary preparatory work for the peace settlements and to take up other matters which from time to time may be referred to the Council by agreement of the governments participating in the Council.

The text of the agreement for the establishment of the Council of Foreign Ministers is as follows:

(1) There shall be established a Council composed of the Foreign Ministers of the United Kingdom, the Union of Soviet Socialist Republics, China, France and the United States.

(2) (i) The Council shall normally meet in London, which shall be the permanent seat of the joint Secretariat which the Council will form. Each of the Foreign Ministers will be accompanied by a high-ranking Deputy, duly authorized to carry on the work of the Council in the absence of his Foreign Minister, and by a small staff of technical advisers.

(ii) The first meeting of the Council shall be held in London not later than September 1st 1945. Meetings may be held by common agreement in other capitals as may be agreed from time to time.

(3) (i) As its immediate important task, the Council shall be authorized to draw up, with a view to their submission to the United Nations, treaties of peace with Italy, Rumania, Bulgaria, Hungary and Finland, and to propose settlements of territorial questions outstanding on the termination of the war in Europe. The Council shall be utilized for the preparation of a peace settlement for Germany to be accepted by the Government of Germany when a government adequate for the purpose is established.

(ii) For the discharge of each of these tasks the Council will be composed of the Members representing those States which were signatory to the terms of surrender imposed upon the enemy State concerned. For the purposes of the peace settlement for Italy, France shall be regarded as a signatory to the terms of surrender for Italy. Other Members will be invited to participate when matters directly concerning them are under discussion.

(iii) Other matters may from time to time be referred to the Council by agreement between the Member Governments.

(4) (i) Whenever the Council is considering a question of direct interest to a State not represented thereon, such State should be invited to send representatives to participate in the discussion and study of that question.

(ii) The Council may adapt its procedure to the particular problem under consideration. In some cases it may hold its own preliminary discussions prior to the participation of other interested States. In other cases, the Council may convoke a formal conference of the States chiefly interested in seeking a solution of the particular problem.

In accordance with the decision of the Conference the three Governments have each addressed an identical invitation to the Governments of China and France to adopt this text and to join in establishing the Council.

The establishment of the Council of Foreign Ministers for the specific purposes named in the text will be without prejudice to the agreement of the Crimea Conference² that there should be periodic consultation among the Foreign Secretaries of the United States, the Union of Soviet Socialist Republics and the United Kingdom.

The Conference also considered the position of the European Advisory Commission in the light of the agreement to establish the Council of Foreign Ministers. It was noted with satisfaction that the Commission had ably discharged its principal tasks by the recommendations that it had furnished for the terms of Germany's unconditional surrender, for the zones of occupation in Germany and Austria, and for the inter-Allied control machinery in those countries. It was felt that further work of a detailed character for the coordination of Allied policy for the control of Germany and Austria would in future fall within the competence of the Allied Control Council at Berlin and the Allied Commission at Vienna. Accordingly, it was agreed to recommend that the European Advisory Commission be dissolved.

III

GERMANY

The Allied armies are in occupation of the whole of Germany and the German people have begun to atone for the terrible crimes committed under the leadership of those whom, in the hour of their success, they openly approved and blindly obeyed.

Agreement has been reached at this Conference on the political and economic principles of a coordinated Allied policy toward defeated Germany during the period of Allied control.

The purpose of this agreement is to carry out the Crimea declaration on Germany. German militarism and Nazism will be extirpated and the Allies will take in agreement together, now and in the future, the other measures necessary to assure that Germany never again will threaten her neighbors or the peace of the world.

It is not the intention of the Allies to destroy or enslave the German people. It is the intention of the Allies that the German people be given the oppor-

² *Ante*, pp. 1011 and 1019.

tunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis. If their own efforts are steadily directed to this end, it will be possible for them in due course to take their place among the free and peaceful peoples of the world.

The text of the agreement is as follows:

*The Political and Economic Principles to Govern the Treatment of Germany
in the Initial Control Period*

A. Political Principles.

1. In accordance with the Agreement on Control Machinery in Germany,³ supreme authority in Germany is exercised on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are:

(i) The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production. To these ends:

(a) All German land, naval and air forces, the S.S., S.A., S.D. and Gestapo, with all their organizations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganization of German militarism and Nazism;

(b) All arms, ammunition and implements of war and all specialized facilities for their production shall be held at the disposal of the Allies or destroyed. The maintenance and production of all aircraft and all arms, ammunition and implements of war shall be prevented.

(ii) To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made chaos and suffering inevitable.

³ 5 UST 2062; TIAS 3070.

(iii) To destroy the National Socialist Party and its affiliated and supervised organizations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

(iv) To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler regime or established discrimination on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise, shall be tolerated.

5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion.

9. The administration of affairs in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end:

(i) local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;

(ii) all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;

(iii) representative and elective principles shall be introduced into regional, provincial and state (Land) administration as rapidly as may be justified by the successful application of these principles in local self-government;

(iv) for the time being no central German government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.

B. Economic Principles.

11. In order to eliminate Germany's war potential, the production of arms, ammunition and implements of war as well as all types of aircraft and sea-going ships shall be prohibited and prevented. Production of metals, chemicals, machinery and other items that are directly necessary to a war economy shall be rigidly controlled and restricted to Germany's approved post-war peacetime needs to meet the objectives stated in Paragraph 15. Productive capacity not needed for permitted production shall be removed in accordance with the reparations plan recommended by the Allied Commission on Reparations and approved by the Governments concerned or if not removed shall be destroyed.

12. At the earliest practicable date, the German economy shall be decentralized for the purpose of eliminating the present excessive concentration of economic power as exemplified in particular by cartels, syndicates, trusts and other monopolistic arrangements.

13. In organizing the German economy, primary emphasis shall be given to the development of agriculture and peaceful domestic industries.

14. During the period of occupation Germany shall be treated as a single economic unit. To this end common policies shall be established in regard to:

- (a) mining and industrial production and allocation;
- (b) agriculture, forestry and fishing;
- (c) wages, prices and rationing;
- (d) import and export programs for Germany as a whole;
- (e) currency and banking, central taxation and customs;
- (f) reparation and removal of industrial war potential;
- (g) transportation and communications.

In applying these policies account shall be taken, where appropriate, of varying local conditions.

15. Allied controls shall be imposed upon the German economy but only to the extent necessary:

(a) to carry out programs of industrial disarmament and demilitarization, of reparations, and of approved exports and imports;

(b) to assure the production and maintenance of goods and services required to meet the needs of the occupying forces and displaced persons in Germany and essential to maintain in Germany average living standards not exceeding the average of the standards of living of European countries; (European countries means all European countries excluding the United Kingdom and the Union of Soviet Socialist Republics.)

(c) to ensure in the manner determined by the Control Council the equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports;

(d) to control German industry and all economic and financial international transactions, including exports and imports, with the aim of preventing Germany from developing a war potential and of achieving the other objectives named herein;

(e) to control all German public or private scientific bodies, research and experimental institutions, laboratories, et cetera, connected with economic activities.

16. In the imposition and maintenance of economic controls established by the Control Council, German administrative machinery shall be created and the German authorities shall be required to the fullest extent practicable to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and any breakdown in these controls will rest with themselves. Any German controls which may run counter to the objectives of occupation will be prohibited.

17. Measures shall be promptly taken:

(a) to effect essential repair of transport;

(b) to enlarge coal production;

(c) to maximize agricultural output; and

(d) to effect emergency repair of housing and essential utilities.

18. Appropriate steps shall be taken by the Control Council to exercise control and the power of disposition over German-owned external assets not already under the control of United Nations which have taken part in the war against Germany.

19. Payment of reparations should leave enough resources to enable the German people to subsist without external assistance. In working out the economic balance of Germany the necessary means must be provided to pay for imports approved by the Control Council in Germany. The proceeds of exports from current production and stocks shall be available in the first place for payment for such imports.

The above clause will not apply to the equipment and products referred to in paragraphs 4(a) and 4(b) of the Reparations Agreement.

IV

REPARATIONS FROM GERMANY

In accordance with the Crimea decision that Germany be compelled to compensate to the greatest possible extent for the loss and suffering that she has caused to the United Nations and for which the German people cannot escape responsibility, the following agreement on reparations was reached:

1. Reparation claims of the U.S.S.R. shall be met by removals from the zone of Germany occupied by the U.S.S.R. and from appropriate German external assets.

2. The U.S.S.R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western Zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U.S.S.R. from its own zone of occupation, the U.S.S.R. shall receive additionally from the Western Zones:

(a) 15 per cent of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries, as is unnecessary for the German peace economy and should be removed from the Western Zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.

(b) 10 per cent of such industrial capital equipment as is unnecessary for the German peace economy and should be removed from the Western Zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (a) and (b) above shall be made simultaneously.

5. The amount of equipment to be removed from the Western Zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of products covered by 4(a) above shall begin as soon as possible and shall be made by the U.S.S.R. in agreed installments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German

peace economy and therefore available for reparations shall be made by the Control Council under policies fixed by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the Zone Commander in the Zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect of such equipment as will be determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located in the Western Zones of occupation in Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the U.K. and the U.S.A. renounce their claims in respect of reparations to shares of German enterprises which are located in the Eastern Zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

V

DISPOSAL OF THE GERMAN NAVY AND MERCHANT MARINE

The Conference agreed in principle upon arrangements for the use and disposal of the surrendered German fleet and merchant ships. It was decided that the Three Governments would appoint experts to work out together detailed plans to give effect to the agreed principles. A further joint statement will be published simultaneously by the Three Governments in due course.

VI

CITY OF KOENIGSBERG AND THE ADJACENT AREA

The Conference examined a proposal by the Soviet Government that pending the final determination of territorial questions at the peace settlement, the section of the western frontier of the Union of Soviet Socialist Republics which is adjacent to the Baltic Sea should pass from a point on the eastern shore of the Bay of Danzig to the east, north of Braunsberg-Goldap, to the meeting point of the frontiers of Lithuania, the Polish Republic and East Prussia.

The Conference has agreed in principle to the proposal of the Soviet Government concerning the ultimate transfer to the Soviet Union of the City of Koenigsberg and the area adjacent to it as described above subject to expert examination of the actual frontier.

The President of the United States and the British Prime Minister have

declared that they will support the proposal of the Conference at the forthcoming peace settlement.

VII

WAR CRIMINALS

The Three Governments have taken note of the discussions which have been proceeding in recent weeks in London between British, United States, Soviet and French representatives with a view to reaching agreement on the methods of trial of those major war criminals whose crimes under the Moscow Declaration of October 1943 ⁴ have no particular geographical localization. The Three Governments reaffirm their intention to bring those criminals to swift and sure justice. They hope that the negotiations in London will result in speedy agreement being reached for this purpose, ⁵ and they regard it as a matter of great importance that the trial of those major criminals should begin at the earliest possible date. The first list of defendants will be published before September 1.

VIII

AUSTRIA

The Conference examined a proposal by the Soviet Government on the extension of the authority of the Austrian Provisional Government to all of Austria.

The three Governments agreed that they were prepared to examine this question after the entry of the British and American forces into the city of Vienna.

IX

POLAND

The Conference considered questions relating to the Polish Provisional Government and the western boundary of Poland.

On the Polish Provisional Government of National Unity they defined their attitude in the following statement:

A—We have taken note with pleasure of the agreement reached among representative Poles from Poland and abroad which has made possible the formation, in accordance with the decisions reached at the Crimea Conference, of a Polish Provisional Government of National Unity recognized by the Three Powers. The establishment by the British and United States Governments of diplomatic relations with the Polish Provisional Government has resulted in the withdrawal of their recognition from the former Polish Government in London, which no longer exists.

⁴ *Ante*, p. 834.

⁵ For text of an agreement signed at London Aug. 8, 1945, see EAS 472, *post*, p. 1238.

The British and United States Governments have taken measures to protect the interest of the Polish Provisional Government as the recognized government of the Polish State in the property belonging to the Polish State located in their territories and under their control, whatever the form of this property may be. They have further taken measures to prevent alienation to third parties of such property. All proper facilities will be given to the Polish Provisional Government for the exercise of the ordinary legal remedies for the recovery of any property belonging to the Polish State which may have been wrongfully alienated.

The three Powers are anxious to assist the Polish Provisional Government in facilitating the return to Poland as soon as practicable of all Poles abroad who wish to go, including members of the Polish Armed Forces and the Merchant Marine. They expect that those Poles who return home shall be accorded personal and property rights on the same basis as all Polish citizens.

The three Powers note that the Polish Provisional Government in accordance with the decisions of the Crimea Conference has agreed to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot in which all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates, and that representatives of the Allied press shall enjoy full freedom to report to the world upon developments in Poland before and during the elections.

B—The following agreement was reached on the western frontier of Poland:

In conformity with the agreement on Poland reached at the Crimea Conference the three Heads of Government have sought the opinion of the Polish Provisional Government of National Unity in regard to the accession of territory in the north and west which Poland should receive. The President of the National Council of Poland and members of the Polish Provisional Government of National Unity have been received at the Conference and have fully presented their views. The three Heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement.

The three Heads of Government agree that, pending the final determination of Poland's western frontier, the former German territories east of a line running from the Baltic Sea immediately west of Swinemunde, and thence along the Oder River to the confluence of the western Neisse River and along the western Neisse to the Czechoslovak frontier, including that portion of East Prussia not placed under the administration of the Union of Soviet Socialist Republics in accordance with the understanding reached at this conference and including the area of the former free city of Danzig, shall be under the administration of the Polish State and for such purposes should not be considered as part of the Soviet zone of occupation in Germany.

X

CONCLUSION OF PEACE TREATIES AND ADMISSION TO THE UNITED NATIONS ORGANIZATION

The Conference agreed upon the following statement of common policy for establishing, as soon as possible, the conditions of lasting peace after victory in Europe:

The Three Governments consider it desirable that the present anomalous position of Italy, Bulgaria, Finland, Hungary and Rumania should be terminated by the conclusion of Peace Treaties. They trust that the other interested Allied Governments will share these views.

For their part the Three Governments have included the preparation of a Peace Treaty for Italy as the first among the immediate important tasks to be undertaken by the new Council of Foreign Ministers. Italy was the first of the Axis Powers to break with Germany, to whose defeat she has made a material contribution, and has now joined with the Allies in the struggle against Japan. Italy has freed herself from the Fascist regime and is making good progress towards the reestablishment of a democratic government and institutions. The conclusion of such a Peace Treaty with a recognized and democratic Italian Government will make it possible for the Three Governments to fulfill their desire to support an application from Italy for membership of the United Nations.

The Three Governments have also charged the Council of Foreign Ministers with the task of preparing Peace Treaties for Bulgaria, Finland, Hungary and Rumania. The conclusion of Peace Treaties with recognized democratic Governments in these States will also enable the three Governments to support applications from them for membership of the United Nations. The three Governments agree to examine each separately in the near future, in the light of the conditions then prevailing, the establishment of diplomatic relations with Finland, Rumania, Bulgaria, and Hungary to the extent possible prior to the conclusion of peace treaties with those countries.

The three Governments have no doubt that in view of the changed conditions resulting from the termination of the war in Europe, representatives of the Allied press will enjoy full freedom to report to the world upon developments in Rumania, Bulgaria, Hungary and Finland.

As regards the admission of other states into the United Nations Organization, Article 4 of the Charter of the United Nations^a declares that:

"1. Membership in the United Nations is open to all other peace-loving States who accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations;

^a TS 993, *ante*, p. 1155.

"2. the admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

The Three Governments, so far as they are concerned, will support applications for membership from those States which have remained neutral during the war and which fulfill the qualifications set out above.

The Three Governments feel bound however to make it clear that they for their part would not favor any application for membership put forward by the present Spanish Government, which, having been founded with the support of the Axis Powers, does not, in view of its origins, its nature, its record and its close association with the aggressor States, possess the qualifications necessary to justify such membership.

XI

TERRITORIAL TRUSTEESHIPS

The Conference examined a proposal by the Soviet Government concerning trusteeship territories as defined in the decision of the Crimea Conference and in the Charter of the United Nations Organization.

After an exchange of views on this question it was decided that the disposition of any former Italian territories was one to be decided in connection with the preparation of a peace treaty for Italy and that the question of Italian territory would be considered by the September Council of Ministers of Foreign Affairs.

XII

REVISED ALLIED CONTROL COMMISSION PROCEDURE IN RUMANIA, BULGARIA, AND HUNGARY

The Three Governments took note that the Soviet Representatives on the Allied Control Commissions in Rumania, Bulgaria and Hungary, have communicated to their United Kingdom and United States colleagues proposals for improving the work of the Control Commission, now that hostilities in Europe have ceased.

The Three Governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would now be undertaken, taking into account the interests and responsibilities of the Three Governments which together presented the terms of armistice to the respective countries, and accepting as a basis the agreed proposals.

XIII

ORDERLY TRANSFERS OF GERMAN POPULATIONS

The Conference reached the following agreement on the removal of Germans from Poland, Czechoslovakia and Hungary:

The Three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner.

Since the influx of a large number of Germans into Germany would increase the burden already resting on the occupying authorities, they consider that the Allied Control Council in Germany should in the first instance examine the problem with special regard to the question of the equitable distribution of these Germans among the several zones of occupation. They are accordingly instructing their respective representatives on the Control Council to report to their Governments as soon as possible the extent to which such persons have already entered Germany from Poland, Czechoslovakia and Hungary, and to submit an estimate of the time and rate at which further transfers could be carried out, having regard to the present situation in Germany.

The Czechoslovak Government, the Polish Provisional Government and the Control Council in Hungary are at the same time being informed of the above, and are being requested meanwhile to suspend further expulsions pending the examination by the Governments concerned of the report from their representatives on the Control Council.

XIV

MILITARY TALKS

During the Conference there were meetings between the Chiefs of Staff of the three Governments on military matters of common interest.

Approved:

J. V. STALIN
HARRY S. TRUMAN
C. R. ATTLEE

PROSECUTION AND PUNISHMENT OF MAJOR WAR CRIMINALS OF EUROPEAN AXIS

Agreement signed at London August 8, 1945, with charter of the International Military Tribunal

Entered into force August 8, 1945

*Discrepancy in article 6 of charter rectified by protocol of October 6, 1945*¹

59 Stat. 1544; Executive Agreement Series 472

AGREEMENT BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA, THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC, THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE PROSECUTION AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF THE EUROPEAN AXIS

Whereas the United Nations have from time to time made declarations of their intention that War Criminals shall be brought to justice;

And whereas the Moscow Declaration of the 30th October 1943² on German atrocities in Occupied Europe stated that those German Officers and men and members of the Nazi Party who have been responsible for or have taken a consenting part in atrocities and crimes will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments that will be created therein;

And whereas this Declaration was stated to be without prejudice to the case of major criminals whose offenses have no particular geographical location and who will be punished by the joint decision of the Governments of the Allies;

Now therefore the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics (hereinafter called "the Signa-

¹ EAS 472, *post*, p. 1286.

² *Ante*, p. 834.

tories") acting in the interests of all the United Nations and by their representatives duly authorized thereto have concluded this Agreement.

Article 1

There shall be established after consultation with the Control Council for Germany an International Military Tribunal for the trial of war criminals whose offenses have no particular geographical location whether they be accused individually or in their capacity as members of organizations or groups or in both capacities.

Article 2

The constitution, jurisdiction and functions of the International Military Tribunal shall be those set out in the Charter annexed to this Agreement, which Charter shall form an integral part of this Agreement.

Article 3

Each of the Signatories shall take the necessary steps to make available for the investigation of the charges and trial the major war criminals detained by them who are to be tried by the International Military Tribunal. The Signatories shall also use their best endeavors to make available for investigation of the charges against and the trial before the International Military Tribunal such of the major war criminals as are not in the territories of any of the Signatories.

Article 4

Nothing in this Agreement shall prejudice the provisions established by the Moscow Declaration concerning the return of war criminals to the countries where they committed their crimes.

Article 5

Any Government of the United Nations may adhere to this Agreement by notice given through the diplomatic channel to the Government of the United Kingdom, who shall inform the other signatory and adhering Governments of each such adherence.

Article 6

Nothing in this Agreement shall prejudice the jurisdiction or the powers of any national or occupation court established or to be established in any allied territory or in Germany for the trial of war criminals.

Article 7

This Agreement shall come into force on the day of signature and shall remain in force for the period of one year and shall continue thereafter, subject to the right of any Signatory to give, through the diplomatic channel, one

month's notice of intention to terminate it. Such termination shall not prejudice any proceedings already taken or any findings already made in pursuance of this Agreement.

In witness whereof the Undersigned have signed the present Agreement.

Done in quadruplicate in London this 8th day of August 1945 each in English, French and Russian, and each text to have equal authenticity.

For the Government of the United States
of America
ROBERT H. JACKSON

For the Government of the United Kingdom
of Great Britain and Northern Ireland
JOWITT C.

For the Provisional Government of the
French Republic
ROBERT FALCO

For the Government of the Union of Soviet
Socialist Republics
I. NIKITCHENKO
A. TRAININ

CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL

I. CONSTITUTION OF THE INTERNATIONAL MILITARY TRIBUNAL

Article 1

In pursuance of the Agreement signed on the 8th day of August 1945 by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called "the Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis.

Article 2

The Tribunal shall consist of four members, each with an alternate. One member and one alternate shall be appointed by each of the Signatories. The alternates shall, so far as they are able, be present at all sessions of the Tribunal. In case of illness of any member of the Tribunal or his incapacity for some other reason to fulfill his functions, his alternate shall take his place.

Article 3

Neither the Tribunal, its members nor their alternates can be challenged by the prosecution, or by the Defendants or their Counsel. Each Signatory may replace its member of the Tribunal or his alternate for reasons of health or for other good reasons, except that no replacement may take place during a Trial, other than by an alternate.

Article 4

(a) The presence of all four members of the Tribunal or the alternate for any absent member shall be necessary to constitute the quorum.

(b) The members of the Tribunal shall, before any trial begins, agree among themselves upon the selection from their number of a President, and the President shall hold office during that trial, or as may otherwise be agreed by a vote of not less than three members. The principle of rotation of presidency for successive trials is agreed. If, however, a session of the Tribunal takes place on the territory of one of the four Signatories, the representative of that Signatory on the Tribunal shall preside.

(c) Save as aforesaid the Tribunal shall take decisions by a majority vote and in case the votes are evenly divided, the vote of the President shall be decisive: provided always that convictions and sentences shall only be imposed by affirmative votes of at least three members of the Tribunal.

Article 5

In case of need and depending on the number of the matters to be tried, other Tribunals may be set up; and the establishment, functions, and procedure of each Tribunal shall be identical, and shall be governed by this Charter.

II. JURISDICTION AND GENERAL PRINCIPLES

Article 6

The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) *Crimes against peace*: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) *War Crimes*: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) *Crimes against humanity*: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; ³ or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Article 7

The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

Article 8

The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

Article 9

At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard.

Article 10

In cases where a group or organization is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organization is considered proved and shall not be questioned.

³ For text of a protocol signed at Berlin Oct. 6, 1945 (EAS 472), which provides that this semicolon in the English text should be changed to a comma, see *post*, p. 1286.

Article 11

Any person convicted by the Tribunal may be charged before a national, military or occupation court, referred to in Article 10 of this Charter, with a crime other than of membership in a criminal group or organization and such court may, after convicting him, impose upon him punishment independent of and additional to the punishment imposed by the Tribunal for participation in the criminal activities of such group or organization.

Article 12

The Tribunal shall have the right to take proceedings against a person charged with crimes set out in Article 6 of this Charter in his absence, if he has not been found or if the Tribunal, for any reason, finds it necessary, in the interests of justice, to conduct the hearing in his absence.

Article 13

The Tribunal shall draw up rules for its procedure. These rules shall not be inconsistent with the provisions of this Charter.

III. COMMITTEE FOR THE INVESTIGATION AND PROSECUTION
OF MAJOR WAR CRIMINALS

Article 14

Each Signatory shall appoint a Chief Prosecutor for the investigation of the charges against and the prosecution of major war criminals.

The Chief Prosecutors shall act as a committee for the following purposes:

- (a) to agree upon a plan of the individual work of each of the Chief Prosecutors and his staff,
- (b) to settle the final designation of major war criminals to be tried by the Tribunal,
- (c) to approve the Indictment and the documents to be submitted therewith,
- (d) to lodge the Indictment and the accompanying documents with the Tribunal,
- (e) to draw up and recommend to the Tribunal for its approval draft rules of procedure, contemplated by Article 13 of this Charter. The Tribunal shall have power to accept, with or without amendments, or to reject, the rules so recommended.

The Committee shall act in all the above matters by a majority vote and shall appoint a Chairman as may be convenient and in accordance with the principle of rotation: provided that if there is an equal division of vote concerning the designation of a Defendant to be tried by the Tribunal, or the

crimes with which he shall be charged, that proposal will be adopted which was made by the party which proposed that the particular Defendant be tried, or the particular charges be preferred against him.

Article 15

The Chief Prosecutors shall individually, and acting in collaboration with one another, also undertake the following duties:

(a) investigation, collection and production before or at the Trial of all necessary evidence,

(b) the preparation of the Indictment for approval by the Committee in accordance with paragraph (c) of Article 14 hereof,

(c) the preliminary examination of all necessary witnesses and of the Defendants,

(d) to act as prosecutor at the Trial,

(e) to appoint representatives to carry out such duties as may be assigned to them,

(f) to undertake such other matters as may appear necessary to them for the purposes of the preparation for and conduct of the Trial.

It is understood that no witness or Defendant detained by any Signatory shall be taken out of the possession of that Signatory without its assent.

IV. FAIR TRIAL FOR DEFENDANTS

Article 16

In order to ensure fair trial for the Defendants, the following procedure shall be followed:

(a) The Indictment shall include full particulars specifying in detail the charges against the Defendants. A copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the Defendant at a reasonable time before the Trial.

(b) During any preliminary examination or trial of a Defendant he shall have the right to give any explanation relevant to the charges made against him.

(c) A preliminary examination of a Defendant and his Trial shall be conducted in, or translated into, a language which the Defendant understands.

(d) A defendant shall have the right to conduct his own defense before the Tribunal or to have the assistance of Counsel.

(e) A defendant shall have the right through himself or through his Counsel to present evidence at the Trial in support of his defense, and to cross-examine any witness called by the Prosecution.

V. POWERS OF THE TRIBUNAL AND CONDUCT OF THE TRIAL

Article 17

The Tribunal shall have the power

- (a) to summon witnesses to the Trial and to require their attendance and testimony and to put questions to them,
- (b) to interrogate any Defendant,
- (c) to require the production of documents and other evidentiary material,
- (d) to administer oaths to witnesses,
- (e) to appoint officers for the carrying out of any task designated by the Tribunal including the power to have evidence taken on commission.

Article 18

The Tribunal shall

- (a) confine the Trial strictly to an expeditious hearing of the issues raised by the charges,
- (b) take strict measures to prevent any action which will cause unreasonable delay, and rule out irrelevant issues and statements of any kind whatsoever,
- (c) deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any Defendant or his Counsel from some or all further proceedings, but without prejudice to the determination of the charges.

Article 19

The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and shall admit any evidence which it deems to have probative value.

Article 20

The Tribunal may require to be informed of the nature of any evidence before it is offered so that it may rule upon the relevance thereof.

Article 21

The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United Nations, including the acts and documents of the committees set up in the various allied countries for the investigation of war crimes, and the records and findings of military or other Tribunals of any of the United Nations.

Article 22

The permanent seat of the Tribunal shall be in Berlin. The first meetings of the members of the Tribunal and of the Chief Prosecutors shall be held at Berlin in a place to be designated by the Control Council for Germany. The first trial shall be held at Nuremberg, and any subsequent trials shall be held at such places as the Tribunal may decide.

Article 23

One or more of the Chief Prosecutors may take part in the prosecution at each Trial. The function of any Chief Prosecutor may be discharged by him personally, or by any person or persons authorized by him.

The function of Counsel for a Defendant may be discharged at the Defendant's request by any Counsel professionally qualified to conduct cases before the Courts of his own country, or by any other person who may be specially authorized thereto by the Tribunal.

Article 24

The proceedings at the Trial shall take the following course:

- (a) The Indictment shall be read in court.
- (b) The Tribunal shall ask each Defendant whether he pleads "guilty" or "not guilty".
- (c) The prosecution shall make an opening statement.
- (d) The Tribunal shall ask the prosecution and the defense what evidence (if any) they wish to submit to the Tribunal, and the Tribunal shall rule upon the admissibility of any such evidence.
- (e) The witnesses for the Prosecution shall be examined and after that the witnesses for the Defense. Thereafter such rebutting evidence as may be held by the Tribunal to be admissible shall be called by either the Prosecution or the Defense.
- (f) The Tribunal may put any question to any witness and to any Defendant, at any time.
- (g) The prosecution and the Defense shall interrogate and may cross-examine any witnesses and any Defendant who gives testimony.
- (h) The Defense shall address the court.
- (i) The Prosecution shall address the court.
- (j) Each Defendant may make a statement to the Tribunal.
- (k) The Tribunal shall deliver judgment and pronounce sentence.

Article 25

All official documents shall be produced, and all court proceedings conducted, in English, French and Russian, and in the language of the Defendant. So much of the record and of the proceedings may also be translated into

the language of any country in which the Tribunal is sitting, as the Tribunal considers desirable in the interests of justice and public opinion.

VI. JUDGMENT AND SENTENCE

Article 26

The Judgment of the Tribunal as to the guilt or the innocence of any Defendant shall give the reasons on which it is based, and shall be final and not subject to review.

Article 27

The Tribunal shall have the right to impose upon a Defendant, on conviction, death or such other punishment as shall be determined by it to be just.

Article 28

In addition to any punishment imposed by it, the Tribunal shall have the right to deprive the convicted person of any stolen property and order its delivery to the Control Council for Germany.

Article 29

In case of guilt, sentences shall be carried out in accordance with the orders of the Control Council for Germany, which may at any time reduce or otherwise alter the sentences, but may not increase the severity thereof. If the Control Council for Germany, after any Defendant has been convicted and sentenced, discovers fresh evidence which, in its opinion, would found a fresh charge against him, the Council shall report accordingly to the Committee established under Article 14 hereof, for such action as they may consider proper, having regard to the interests of justice.

VII. EXPENSES

Article 30

The Expenses of the Tribunal and of the Trials, shall be charged by the Signatories against the funds allotted for maintenance of the Control Council for Germany.

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol prolonging agreement of May 6, 1937, signed at London
August 31, 1945*¹

Senate advice and consent to ratification April 17, 1946

Ratified by the President of the United States May 1, 1946

Ratification of the United States deposited at London May 27, 1946

*Entered into force September 1, 1945; for the United States May 27,
1946, operative from September 1, 1945*

Proclaimed by the President of the United States June 10, 1946

60 Stat. 1373; Treaties and Other
International Acts Series 1523

PROTOCOL

Whereas an International Agreement regarding the Regulation of the Production and Marketing of Sugar (hereinafter referred to as "the Agreement") was signed in London on the 6th May, 1937;²

And whereas by a Protocol signed in London on the 22nd July, 1942,³ the Agreement was regarded as having come into force on the 1st September, 1937, in respect of the Governments signatory of the Protocol;

And whereas it was provided in the said Protocol that the Agreement should continue in force between the said Governments for a period of two years after the 31st August, 1942;

And whereas by a further Protocol signed in London on the 31st August, 1944,⁴ it was agreed that, subject to the provisions of Article 2 of the said Protocol, the Agreement should continue in force between the Governments signatory thereof for a period of one year after the 31st August, 1944;

Now, therefore, the Governments signatory of the present Protocol, considering that it is expedient that the Agreement should be prolonged for a

¹ The sugar agreement was further prolonged by a protocol of Aug. 30, 1946 (TIAS 1614, *post*, vol. 4).

² TS 990, *ante*, p. 388.

³ TS 990, *ante*, p. 722.

⁴ TS 990, *ante*, p. 899.

further term as between themselves, subject, in view of the present emergency, to the conditions stated below, have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Governments signatory of this Protocol for a period of one year after the 31st August, 1945.

ARTICLE 2

During the period specified in Article 1 above the provisions of Chapters III, IV and V of the Agreement shall be inoperative.

ARTICLE 3

1. The Governments signatory of the present Protocol recognize that revision of the Agreement is necessary and should be undertaken as soon as the time appears opportune. Discussion of any such revision should take the existing Agreement as the starting point.

2. For the purposes of such revision due account shall be taken of any general principles of commodity policy embodied in any agreements which may be concluded under the auspices of the United Nations.

ARTICLE 4

Before the conclusion of the period of one year specified in Article 1, the contracting Governments, if the steps contemplated in Article 3 have not been taken, will discuss the question of a further renewal of the Agreement.

ARTICLE 5

The present Protocol shall bear the date the 31st August, 1945, and shall remain open for signature until the 30th September, 1945; provided however that any signatures appended after the 31st August, 1945, shall be deemed to have effect as from that date.

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

Done in London on the 31st day of August, 1945, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be furnished to the signatory Governments.

For the Government of the Union of
South Africa:
G. HEATON NICHOLLS

For the Government of the Common-
wealth of Australia:
S. M. BRUCE

For the Government of Belgium:
BARON BEYENS

For the Government of Brazil:
MONIZ DE ARAGÃO

For the Government of Cuba:
G. DE BLANCK

For the Government of Czechoslovakia:

V. JANSÁ

For the Government of the Dominican Republic:

PORFIRIO HERRERA BAEZ

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ALEXANDER CADOGAN

For the Government of Haiti:

JOHN G. WINANT

For the Government of the Netherlands:

E. MICHIELS VAN VERDUYNEN

For the Government of Peru:

F. BERCKEMEYER

For the Government of Poland:

HENRYK STRASBURGER

For the Government of Portugal:

FELIX B. M. DA HORTA

For the Government of the Union of Soviet Socialist Republics:

D. BORISENKO

For the Government of the United States of America:

JOHN G. WINANT

Signed subject to ratification.

(In respect of the Commonwealth of the Philippines):

JOHN G. WINANT

For the Government of Yugoslavia:

DR. LJUBO LEONTIĆ

For the Provisional Government of the French Republic:

R. MASSIGLI

SURRENDER BY JAPAN¹

*Instrument of surrender signed at Tokyo Bay September 2, 1945; proclamation by Emperor of Japan dated September 2, 1945²
Entered into force September 2, 1945*

59 Stat. 1733; Executive Agreement Series 493

INSTRUMENT OF SURRENDER

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1945,³ at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

¹ A treaty of peace with Japan (3 UST 3169; TIAS 2490) was signed at San Francisco Sept. 8, 1951, and entered into force Apr. 28, 1952.

² For text of the basic post-surrender policy for Japan adopted by the Far Eastern Commission June 19, 1947, see *Department of State Bulletin*, Aug. 3, 1947, p. 216.

³ *Ante*, p. 1204.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, maintenance and immediate transportation to places as directed.

The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan, at 0904 I on the second day of September, 1945.

MAMORU SHIGEMITSU

*By Command and in behalf of the Emperor of Japan
and the Japanese Government*

YOSHIJIRO UMEZU

*By Command and in behalf of the Japanese
Imperial General Headquarters*

Accepted at Tokyo Bay, Japan, at 0908 I on the second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

DOUGLAS MACARTHUR

Supreme Commander for the Allied Powers

C. W. NIMITZ
United States Representative

Hsu YUNG-CH'ANG
Republic of China Representative

BRUCE FRASER
United Kingdom Representative

KUZMA DEREVYANKO
*Union of Soviet Socialist Republics
Representative*

T. A. BLAMEY
Commonwealth of Australia Representative

L. MOORE COSGRAVE
Dominion of Canada Representative

LE CLERC
*Provisional Government of the French
Republic Representative*

C. E. L. HELFRICH
*Kingdom of the Netherlands
Representative*

LEONARD M. ISITT
Dominion of New Zealand Representative

PROCLAMATION

[TRANSLATION]

Accepting the terms set forth in Declaration issued by the heads of the Governments of the United States, Great Britain and China on July 26th, 1945, at Potsdam and subsequently adhered to by the Union of Soviet Socialist Republics, We have commanded the Japanese Imperial Government and the Japanese Imperial General Headquarters to sign on Our behalf the Instrument of Surrender presented by the Supreme Commander for the Allied Powers and to issue General Orders to the Military and Naval Forces in accordance with the direction of the Supreme Commander for the Allied Powers. We command all Our people forthwith to cease hostilities, to lay down their arms and faithfully to carry out all the provisions of Instrument of Surrender and the General Orders issued by the Japanese Imperial Government and the Japanese Imperial General Headquarters hereunder.

This second day of the ninth month of the twentieth year of Syōwa.

[SEAL OF THE EMPEROR]

Signed: HIROHITO

Countersigned: NARUHIKO-Ō

Prime Minister

MAMORU SHIGEMITSU

Minister for Foreign Affairs

IWAO YAMAZAKI

Minister for Home Affairs

JUICHI TSUSHIMA

Minister of Finance

SADAMU SHIMOMURA

Minister of War

MITSUMASA YONAI

Minister of Navy

CHUZO IWATA

Minister of Justice

TAMON MAEDA

Minister of Education

KENZO MATSUMURA

Minister of Welfare

KOTARO SENGOKU

*Minister of Agriculture
and Forestry*

CHIKUHEI NAKAJIMA

*Minister of Commerce and
Industry*

NAOTO KOBAYAMA

Minister of Transportation

FUMIMARO KONOE

Minister without Portfolio

TAKETORA OGATA

Minister without Portfolio

BINSIIRO OBATA

Minister without Portfolio

DEFEAT OF GERMANY: ADDITIONAL REQUIREMENTS

*Agreement approved by the Allied Control Council at Berlin September 20, 1945*¹

A Decade of American Foreign Policy: Basic Documents, 1941-49, S. Doc. 123, 81st Cong., 1st sess., p. 513.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC ON CERTAIN ADDITIONAL REQUIREMENTS TO BE IMPOSED ON GERMANY

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic have reached the following agreement regarding instructions to be issued by the Allied Representatives in Germany:

We, the Allied Representatives, Commanders-in-Chief of the forces of occupation of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic, pursuant to the Declaration regarding the defeat of Germany, signed at Berlin on 5th June, 1945,² hereby announce certain additional requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply, as follows:

¹ An agreement on additional requirements was signed at London July 25, 1945, by representatives of the United States, France, the United Kingdom, and the Soviet Union on the European Advisory Commission. On Sept. 8, 1945, the Commission was informed that the United States Government had approved the agreement except for paragraph 38. When the Allied Control Council, meeting at Berlin on Sept. 20, 1945, approved the additional requirements, they issued a text of the agreement in which the original paragraph 38 was omitted and the succeeding paragraphs were renumbered accordingly. The original paragraph 38 read as follows:

"38. Any person referred to in sub-paragraph 6(b) above who may be apprehended or surrendered to the Allied Representatives will be handed over immediately, on demand, to the Government of the United Nation concerned."

² TIAS 1520, *ante*, p. 1140.

SECTION I

1. All German land, naval and air forces, the S.S., S.A., S.D. and Gestapo, with all their organizations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in accordance with methods and procedures to be laid down by the Allied Representatives.

2. All forms of military training, military propaganda and military activities of whatever nature, on the part of the German people, are prohibited, as well as the formation of any organization initiated to further any aspect of military training and the formation of war veterans' organizations or other groups which might develop military characteristics or which are designed to carry on the German military tradition, whether such organizations or groups purport to be political, educational, religious, social, athletic or recreational or of any other nature.

SECTION II

3. (a) German authorities and officials in all territories outside the frontiers of Germany as they existed on 31st December, 1937, and in any areas within those frontiers indicated at any time by the Allied Representatives, will comply with such instructions as to withdrawing therefrom as they may receive from the Allied Representatives.

(b) The German authorities will issue the necessary instructions and will make the necessary arrangements for the reception and maintenance in Germany of all German civilian inhabitants of the territories or areas concerned, whose evacuation may be ordered by the Allied Representatives.

(c) Withdrawals and evacuations under sub-paragraphs (a) and (b) above will take place at such times and under such conditions as the Allied Representatives may direct.

4. In the territories and areas referred to in paragraph 3 above, there shall immediately be, on the part of all forces under German command and of German authorities and civilians, a complete cessation of all measures of coercion or forced labour and of all measures involving injury to life or limb. There shall similarly cease all measures of requisitioning, seizure, removal, concealment or destruction of property. In particular, the withdrawals and evacuations mentioned in paragraph 3 above will be carried out without damage to or removal of persons or property not affected by the orders of the Allied Representatives. The Allied Representatives will determine what personal property and effects may be taken by persons evacuated under paragraph 3 above.

SECTION III

5. The Allied Representatives will regulate all matters affecting Germany's relations with other countries. No foreign obligations, undertakings or commitments of any kind will be assumed or entered into by or on behalf of German authorities or nationals without the sanction of the Allied Representatives.

6. The Allied Representatives will give directions concerning the abrogation, bringing into force, revival or application of any treaty, convention or other international agreement, or any part or provision thereof, to which Germany is or has been a party.

7. (a) In virtue of the unconditional surrender of Germany, and as of the date of such surrender, the diplomatic, consular, commercial and other relations of the German State with other States have ceased to exist.

(b) Diplomatic, consular, commercial and other officials and members of service missions in Germany of countries at war with any of the four Powers will be dealt with as the Allied Representatives may prescribe. The Allied Representatives may require the withdrawal from Germany of neutral diplomatic, consular, commercial and other officials and members of neutral service missions.

(c) All German diplomatic, consular, commercial and other officials and members of German service missions abroad are hereby recalled. The control and disposal of the buildings, property and archives of all German diplomatic and other agencies abroad will be prescribed by the Allied Representatives.

8. (a) German nationals will, pending further instructions, be prevented from leaving German territory except as authorised or directed by the Allied Representatives.

(b) German authorities and nationals will comply with any directions issued by the Allied Representatives for the recall of German nationals resident abroad, and for the reception in Germany of any persons whom the Allied Representatives may designate.

9. The German authorities and people will take all appropriate steps to ensure the safety, maintenance and welfare of persons not of German nationality and of their property and the property of foreign States.

SECTION IV

10. The German authorities will place at the disposal of the Allied Representatives the whole of the German inter-communication system (including all military and civilian postal and telecommunication systems and facilities and connected matters), and will comply with any instructions given by the Allied Representatives for placing such inter-communication systems under the complete control of the Allied Representatives. The German authorities will comply with any instructions given by the Allied Representatives with a

view to the establishment by the Allied Representatives of such censorship and control of postal and telecommunication and of documents and other articles carried by persons or otherwise conveyed and of all other forms of intercommunication as the Allied Representatives may think fit.

11. The German authorities will comply with all directions which the Allied Representatives may give regarding the use, control and censorship of all media for influencing expression and opinion, including broadcasting, press and publications, advertising, films and public performances, entertainments and exhibitions of all kinds.

SECTION V

12. The Allied Representatives will exercise such control as they deem necessary over all or any part or aspect of German finance, agriculture (including forestry), production and mining, public utilities, industry, trade, distribution and economy generally, internal and external, and over all related or ancillary matters, including the direction or prohibition of the manufacture, production, construction, treatment, use and disposal of any buildings, establishments, installations, public or private works, plant, equipment, products, materials, stocks or resources. Detailed statements of the subjects to which the present provision applies, together with the requirements of the Allied Representatives in regard thereto, will from time to time be communicated to the German authorities.

13. (a) The manufacture, production and construction, and the acquisition from outside Germany, of war material and of such other products used in connection with such manufacture, production or construction, as the Allied Representatives may specify, and the import, export and transit thereof, are prohibited, except as directed by the Allied Representatives.

(b) The German authorities will immediately place at the disposal of the Allied Representatives all research, experiment, development and design directly or indirectly relating to war or the production of war material, whether in government or private establishments, factories, technological institutions or elsewhere.

14. (a) The property, assets, rights, titles and interests (whether situated inside or outside Germany) of the German State, its political subdivisions, the German Central Bank, State or semi-State, provincial, municipal or local authorities or Nazi organizations, and those situated outside Germany of any person resident or carrying on business in Germany, will not be disposed of in any way whatever without the sanction of the Allied Representatives. The property, assets, rights, titles and interests (whether situated inside or outside Germany), of such private companies, corporations, trusts, cartels, firms, partnerships and associations as may be designated by the Allied Representatives will not be disposed of in any way whatever without the sanction of the Allied Representatives.

(b) The German authorities will furnish full information about the property, assets, rights, titles and interests referred to in sub-paragraph (a) above, and will comply with such directions as the Allied Representatives may give as to their transfer and disposal. Without prejudice to any further demands which may be made in this connection, the German authorities will hold at the disposal of the Allied Representatives for delivery to them at such times and places as they may direct all securities, certificates, deeds or other documents of title held by any of the institutions or bodies mentioned in sub-paragraph (a) above or by any person subject to German law, and relating to property, assets, rights, titles and interests situated in the territories of the United Nations, including any shares, stocks, debentures or other obligations of any company incorporated in accordance with the laws of any of the United Nations.

(c) Property, assets, rights, titles and interests situated inside Germany will not be removed outside Germany or be transferred or disposed of to any person resident or carrying on business outside Germany without the sanction of the Allied Representatives.

(d) Nothing in sub-paragraphs (a) and (b) above shall, as regards property, assets, rights, titles and interests situated inside Germany, be deemed to prevent sales or transfers to persons resident in Germany for the purpose of maintaining or carrying on the day-to-day national life, economy and administration, subject to the provisions of sub-paragraph 19 (b) and (c) below and to the provisions of the Declaration or of any proclamations, orders, ordinances or instructions issued thereunder.

15. (a) The German authorities and all persons in Germany will hand over to the Allied Representatives all gold and silver, in coin or bullion form, and all platinum in bullion form, situated in Germany, and all such coin and bullion situated outside Germany as is possessed by or held on behalf of any of the institutions or bodies mentioned in sub-paragraph 14 (a) above or any person resident or carrying on business in Germany.

(b) The German authorities and all persons in Germany will hand over in full to the Allied Representatives all foreign notes and coins in the possession of any German authority, or of any corporation, association or individual resident or carrying on business in Germany, and all monetary tokens issued or prepared for issue by Germany in the territories formerly occupied by her or elsewhere.

16. (a) All property, assets, rights, titles and interests in Germany held for or belonging to any country against which any of the United Nations is carrying on hostilities, or held for or belonging to the nationals of any such country, or of any persons resident or carrying on business therein, will be taken under control and will be preserved pending further instructions.

(b) All property, assets, rights, titles and interests in Germany held for or belonging to private individuals, private enterprises and companies of

those countries, other than Germany and the countries referred to in sub-paragraph (a) above, which have at any time since 1st September, 1939, been at war with any of the United Nations, will be taken under control and will be preserved pending further instructions.

(c) The German authorities will take all necessary steps to ensure the execution of the provisions of sub-paragraph (a) and (b) above, will comply with any instructions given by the Allied Representatives for that purpose, and will afford all necessary information and facilities in connection therewith.

17. (a) There shall, on the part of the German authorities and people, be no concealment, destruction, scuttling or dismantling of, removal or transfer of, nor damage to, ships, transport, ports or harbours, nor to any form of building, establishment, installation, device, means of production, supply, distribution or communication, plant, equipment, currency, stocks or resources, or, in general, public or private works, utilities or facilities of any kind, wherever situated.

(b) There shall be no destruction, removal, concealment, suppression or alteration of any documents, records, patents, drawings, specifications, plans or information, of any nature, affected by the provisions of this document. They shall be kept intact in their present locations until further directions are given. The German authorities will afford all information and facilities as required by the Allied Representatives in connection therewith.

(c) Any measures already ordered, undertaken or begun contrary to the provisions of sub-paragraphs (a) and (b) above will be immediately countermanded or discontinued. All stocks, equipment, plant, records, patents, documents, drawings, specifications, plans or other material already concealed within or outside Germany will forthwith be declared, and will be dealt with as the Allied Representatives may direct.

(d) Subject to the provisions of the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, the German authorities and people will be responsible for the preservation, safeguarding and upkeep of all forms of property and materials affected by any of the said provisions.

(e) All transport material, stores, equipment, plant, establishments, installations, devices and property generally, which are liable to be surrendered or delivered under the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, will be handed over intact and in good condition, or subject only to ordinary wear and tear and to any damage caused during the continuance of hostilities which it has proved impossible to make good.

18. There shall be no financial, commercial or other intercourse with, or dealings with or for the benefit of, countries at war with any of the United Nations, or territories occupied by such countries, or with any other country or person specified by the Allied Representatives.

SECTION VI

19. (a) The German authorities will carry out, for the benefit of the United Nations, such measures of restitution, reinstatement, restoration, reparation, reconstruction, relief and rehabilitation as the Allied Representatives may prescribe. For these purposes the German authorities will effect or procure the surrender or transfer of such property, assets, rights, titles and interests, effect such deliveries and carry out such repair, building and construction work, whether in Germany or elsewhere, and will provide such transport, plant, equipment and materials of all kinds, labour, personnel, and specialist and other services, for use in Germany or elsewhere, as the Allied Representatives may direct.

(b) The German authorities will also comply with all such directions as the Allied Representatives may give relating to property, assets, rights, titles and interests located in Germany belonging to any one of the United Nations or its nationals or having so belonged at, or at any time since, the outbreak of war between Germany and that Nation, or since the occupation of any part of its territories by Germany. The German authorities will be responsible for safeguarding, maintaining, and preventing the dissipation of, all such property, assets, rights, titles and interests, and for handing them over intact at the demand of the Allied Representatives. For these purposes the German authorities will afford all information and facilities required for tracing any property, assets, rights, titles or interests.

(c) All persons in Germany in whose possession such property, assets, rights, titles and interests may be shall be personally responsible for reporting them and safeguarding them until they are handed over in such manner as may be prescribed.

20. The German authorities will supply free of cost such German currency as the Allied Representatives may require, and will withdraw and redeem in German currency, within such time limits and on such terms as the Allied Representatives may specify, all holdings in German territory of currencies issued by the Allied Representatives during military operations or occupation, and will hand over the currencies so withdrawn free of cost to the Allied Representatives.

21. The German authorities will comply with all such directions as may be issued by the Allied Representatives for defraying the costs of the provisioning, maintenance, pay, accommodation and transport of the forces and agencies stationed in Germany by authority of the Allied Representatives, the costs of executing the requirements of unconditional surrender, and payment for any relief in whatever form it may be provided by the United Nations.

22. The Allied Representatives will take and make unrestricted use (whether inside or outside Germany) of any articles referred to in paragraph 12 above which the Allied Representatives may require in connection with

the conduct of hostilities against any country with which any of their respective Governments is at war.

SECTION VII

23. (a) No merchant ship, including fishing or other craft, shall put to sea from any German port except as may be sanctioned or directed by the Allied Representatives. German ships in ports outside Germany shall remain in port and those at sea shall proceed to the nearest German or United Nations port and there remain, pending instructions from the Allied Representatives.

(b) All German merchant shipping, including tonnage under construction or repair, will be made available to the Allied Representatives for such use and on such terms as they may prescribe.

(c) Foreign merchant shipping in German service or under German control will likewise be made available to the Allied Representatives for such use and on such terms as they may prescribe. In the case of such foreign merchant vessels which are of neutral registration, the German authorities will take all such steps as may be required by the Allied Representatives to transfer or cause to be transferred to the Allied Representatives all rights relative thereto.

(d) All transfer to any other flag, service or control, of the vessels covered by sub-paragraphs (b) and (c) above, is prohibited, except as may be directed by the Allied Representatives.

24. Any existing options to repurchase or reacquire or to resume control of vessels sold or otherwise transferred or chartered by Germany during the war will be exercised as directed by the Allied Representatives. Such vessels will be made available for use by the Allied Representatives in the same manner as the vessels covered by sub-paragraphs 23 (b) and (c) above.

25. (a) The crews of all German Merchant vessels or merchant vessels in German service or under German control will remain on board and will be maintained by the German authorities pending further instructions from the Allied Representatives regarding their future employment.

(b) Cargoes on board any such vessels will be disposed of in accordance with instructions given to the German authorities by the Allied Representatives.

26. (a) Merchant ships, including fishing and other craft of the United Nations (or of any country which has broken off diplomatic relations with Germany) which are in German hands, wherever such ships may be, will be surrendered to the Allied Representatives, regardless of whether title has been transferred as the result of prize court proceedings or otherwise. All such ships will be surrendered in good repair and in seaworthy condition in ports and at times to be specified by the Allied Representatives, for disposal as directed by them.

(b) The German authorities will take all such steps as may be directed by the Allied Representatives to effect or complete transfers of title to such ships regardless of whether the title has been transferred as the result of prize court proceedings or otherwise. They will secure the discontinuance of any arrests of or proceedings against such ships in neutral ports.

27. The German authorities will comply with any instructions given by the Allied Representatives for the destruction, dispersal, salvaging, reclamation or raising of wrecked, stranded, derelict or sunken vessels, wherever they may be situated. Such vessels salvaged, reclaimed or raised shall be dealt with as the Allied Representatives direct.

28. The German authorities will place at the unrestricted disposal of the Allied Representatives the entire German shipping, shipbuilding and ship repair industries, and all matter and facilities directly or indirectly relative or ancillary thereto, and will provide the requisite labour and specialist services. The requirements of the Allied Representatives will be specified in instructions which will from time to time be communicated to the German authorities.

SECTION VIII

29. The German authorities will place at the unrestricted disposal of the Allied Representatives the whole of the German inland transport system (road, rail, air and waterways) and all connected material, plant and equipment, and all repair, construction, labour, servicing and running facilities, in accordance with the instructions issued by the Allied Representatives.

30. The production in Germany and the possession, maintenance or operation by Germans of any aircraft of any kind, or any parts thereof, are prohibited.

31. All German rights in international transport bodies or organizations, and in relation to the use of transport and the movement of traffic in other countries and the use in Germany of the transport of other countries, will be exercised in accordance with the directions of the Allied Representatives.

32. All facilities for the generation, transmission and distribution of power, including establishments for the manufacture and repair of such facilities, will be placed under the complete control of the Allied Representatives, to be used for such purposes as they may designate.

SECTION IX

33. The German authorities will comply with all such directions as the Allied Representatives may give for the regulation of movements of population and for controlling travel or removal on the part of persons in Germany.

34. No person may leave or enter Germany without a permit issued by the Allied Representatives or on their authority.

35. The German authorities will comply with all such directions as the Allied Representatives may give for the repatriation of persons not of German

nationality in or passing through Germany, their property and effects, and for facilitating the movements of refugees and displaced persons.

SECTION X

36. The German authorities will furnish any information and documents, and will secure the attendance of any witnesses, required by the Allied Representatives for the trial of

(a) the principal Nazi leaders as specified by the Allied Representatives and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences;

(b) any national of any of the United Nations who is alleged to have committed an offence against his national law and who may at any time be named or designated by rank, office or employment by the Allied Representatives;

and will give all aid and assistance for these purposes.

37. The German authorities will comply with any directions given by the Allied Representatives in regard to the property of any person referred to in sub-paragraphs 36 (a) and (b) above, such as its seizure, custody or surrender.

SECTION XI

38. The National Socialist German Workers' Party (NSDAP) is completely and finally abolished and declared to be illegal.

39. The German authorities will comply promptly with such directions as the Allied Representatives may issue for the abolition of the National Socialist Party and of its subordinate organizations, affiliated associations and supervised organizations, and of all Nazi public institutions created as instruments of Nazi domination, and of such other organizations as may be regarded as a threat to the security of the Allied forces or to international peace, and for prohibiting their revival in any form; for the dismissal and internment of Nazi personnel; for the control or seizure of Nazi property and funds; and for the suppression of Nazi ideology and teaching.

40. The German authorities and German nationals will not allow the existence of any secret organizations.

41. The German authorities will comply with such directions as the Allied Representatives may issue for the repeal of Nazi legislation and for the reform of German law and of the German legal, judicial, administrative, police and educational systems, including the replacement of their personnel.

42. (a) The German authorities will comply with such directions as the Allied Representatives may issue for the rescinding of German legislation involving discrimination on grounds of race, colour, creed, language or polit-

ical opinions, and for the cancellation of all legal or other disabilities resulting therefrom.

(b) The German authorities will comply with such directions as the Allied Representatives may issue regarding the property, assets, rights, titles and interests of persons affected by legislation involving discrimination on grounds of race, colour, creed, language or political opinions.

43. No person shall be prosecuted or molested by the German authorities or by German nationals on grounds of race, colour, creed, language or political opinions, or on account of any dealings or sympathies with the United Nations, including the performance of any action calculated to facilitate the execution of the Declaration or of any proclamations, orders, ordinances, or instructions issued thereunder.

44. In any proceedings before any German Court or authority judicial notice shall be taken of the provisions of the Declaration and of all proclamations, orders, ordinances and instructions issued thereunder, which shall override any provisions of German law inconsistent therewith.

SECTION XII

45. Without prejudice to any specific obligations contained in the provisions of the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, the German authorities and any other person in a position to do so will furnish or cause to be furnished all such information and documents of every kind, public and private, as the Allied Representatives may require.

46. The German authorities will likewise produce for interrogation and employment by the Allied Representatives upon demand any and all persons whose knowledge and experience would be useful to the Allied Representatives.

47. The Allied Representatives will have access at all times to any building, installation, establishment, property or area, and any of the contents thereof, for the purposes of the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, and in particular for the purposes of safeguarding, inspecting, copying or obtaining any of the desired documents and information. The German authorities will give all necessary facilities and assistance for this purpose, including the service of all specialist staff, including archivists.

SECTION XIII

48. In the event of any doubt as to the meaning or interpretation of any term or expression in the Declaration and in any proclamations, orders, ordinances and instructions issued thereunder, the decision of the Allied Representatives shall be final.

EUROPEAN CENTRAL INLAND TRANSPORT ORGANIZATION

Agreement and protocols signed at London September 27, 1945

Entered into force September 27, 1945

*Terminated September 27, 1947*¹

59 Stat. 1740; Executive Agreement Series 494

AGREEMENT CONCERNING THE ESTABLISHMENT OF AN EUROPEAN CENTRAL INLAND TRANSPORT ORGANISATION

Whereas, upon the liberation of the territories of the United Nations in Europe, and upon the occupation of the territories of the enemy in Europe, it is expedient for the fulfilment of the common military needs of the United Nations and in the interests of the social and economic progress of Europe, to provide for co-ordination both in the movement of traffic and in the allocation of transport equipment and material with a view to ensuring the best possible movement of supplies both for military forces and the civil population and the speedy repatriation of displaced persons, and also with a view to creating conditions in which the normal movement of traffic can be more rapidly resumed;

The Governments whose duly authorised representatives have signed the present Agreement

Have agreed as follows:

ARTICLE I

There is hereby established the European Central Inland Transport Organisation, hereinafter called "the Organisation," which shall act in accordance with the provisions of the following Articles. The Organisation is established as a co-ordinating and consultative organ. Having regard to the successful completion of the war, it shall co-ordinate efforts to utilise all means of trans-

¹ ECITO faced a financial crisis in the spring of 1947 because of the failure of several member governments to meet their obligations. On the basis of recommendations made by the Executive Board and Director General of ECITO, the newly created United Nations Economic Commission for Europe approved a resolution on May 15, 1947, regarding the termination of ECITO not later than Sept. 27, 1947, and the transfer of its functions to the Economic Commission for Europe.

port for the improvement of communications so as to provide for the restoration of normal conditions of economic life. It shall also provide assistance to the Allied Commanders-in-Chief and to the Occupation Authorities set up by Governments of the United Nations to maintain and improve the carrying capacity of transport.

ARTICLE II. Membership

The members of the Organisation shall be the Governments signatory hereto and such other Governments as may be admitted thereto by the Council.

ARTICLE III. Constitution

1. The Organisation shall consist of a Council and an Executive Board with the necessary headquarters, regional and local staff. The Organisation shall concert arrangements for the establishment of regional and local offices with the Member Governments in whose territory the offices are situated and/or in appropriate cases in agreement with the Allied Commander-in-Chief concerned.

The Council

2. Each member Government shall name one representative and such alternates as may be necessary upon the Council. The Council shall, for each of its sessions, select one of its members to preside. The Council shall determine its own rules of procedure. Unless otherwise provided in this Agreement or by action of the Council, the Council shall vote by simple majority.

3. The Council shall be convened in regular session not less than twice a year by the Executive Board. It may be convened in special session whenever the Executive Board shall deem necessary and shall be convened within thirty days after request by one-third of the members of the Council.

4. The Council shall perform the functions assigned to it under this Agreement and review the work of the Organisation generally to ensure its conformity with the broad policies determined by the Council.

The Executive Board

5. The Executive Board shall consist of seven members who shall be appointed by the Council. These seven members shall include one member nominated by each of the following Governments: the Provisional Government of the French Republic and the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Each member of the Executive Board shall be provided with an alternate similarly selected, who shall act only in the absence of the member of the Executive for whom he is the alternate. The members and their alternates shall be appointed for not longer than one year.

The Executive Board shall choose its own Chairman, subject to confirmation by the Council.

6. The Executive Board shall perform the executive functions assigned to the Organisation within the framework of the broad policies determined by the Council. It shall act in accordance with the ruling of the majority of its members. It shall present to the Council such reports on the performance of its functions as the Council may require.

7. The Executive Board shall appoint a chief officer who shall direct under its supervision the technical and administrative work of the Organisation in conformity with the policies of the Council and the Executive Board as determined by their decisions. This officer shall appoint the staff at headquarters and at regional and local offices, subject to the approval of the Executive Board, taking into account the exigencies of the various branches of transport concerned. The responsibilities of the chief officer and staff shall be exclusively international in character.

8. Each member Government shall appoint one or more representatives for the purpose of consultation and communication with the Executive Board, and with the Chief Officer. Such representatives shall be fully informed by the Board and by the Chief Officer of all activities of the Organisation. Each time that any important question concerning the interests of a member Government is discussed by the Board, the representatives of that Government shall be entitled to take part in the discussions without the right of vote.

ARTICLE IV

1. The Organisation shall have the capacity to perform any legal act appropriate to its object and purposes, including the power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create subordinate organs and to review their activity. The Organisation shall not, however, have power to own transport equipment and material other than for its own internal or demonstration purposes, except with the unanimous consent of the Council.

2. These powers are vested in the Council. Subject to the provisions of paragraph 2 of Article V, the Council may delegate such of these powers as it may deem necessary to the Executive Board, including the power of sub-delegation. The Executive Board shall be responsible to the Council for the upkeep and administration of any property owned by the Organisation.

ARTICLE V. Finance

1. The Executive Board shall submit to the Council an initial budget and from time to time such supplementary budgets as may be required, covering the administrative expenses of the Organisation. Upon approval of a budget by the Council, the total amount approved shall be raised in such manner, or be allocated between member Governments in such proportions, as these Gov-

ernments may agree. Each member Government undertakes, subject to the requirements of its constitutional procedure, promptly to contribute to the Organisation, in such currency or currencies as may be agreed by such Government with the Executive Board, its share of these expenses. Each member Government shall also provide such facilities as are required for the transfer into other currencies of sums so contributed and held by the Organisation in that Government's own currency.

2. The Organisation shall not incur any expenses, other than administrative expenses, except under the authority of the Council. Proposals for such expenses shall be submitted by the Executive Board to the Council and, when approved by the Council, such expenses shall be met by contributions which one or more member Governments may agree to make or in such other manner as may be agreed between member Governments. However, the obligation of transfer into foreign currencies, as defined in paragraph 1 of this Article, does not apply to these contributions.

3. Nothing in this Agreement shall require any member Government or transport administration under its authority to perform services without remuneration.

ARTICLE VI. Scope of the Organisation

1. The Organisation shall, after giving notice of its intention, exercise its functions in any territory in Continental Europe, upon the acceptance of this Agreement by the Government of that territory and/or, in appropriate cases, provided that the Allied Commander-in-Chief concerned is satisfied that military exigencies permit and subject to such conditions as he may deem necessary.

2. In respect of any territory in Continental Europe in which any Allied Commander-in-Chief retains responsibility for the direction of the transport system, the Organisation shall on request give advice or assistance to the Allied Commander-in-Chief, and, in consultation with him, to any member Government or to other appropriate authorities of the United Nations, on any question with which it is empowered to deal under Article VII.

3. The Organisation shall treat with any of the Occupation Authorities set up by Governments of the United Nations in respect of any territory in Continental Europe in which such Occupation Authorities are exercising authority.

ARTICLE VII. Executive Functions of the Organisation

Introductory

1. The Organisation shall carry out thorough studies of the technical and economic conditions affecting traffic of an international character and shall give to the Governments concerned with such traffic technical advice and recommendations directed to restoring and increasing the carrying capacity

of the transport systems in Continental Europe and to co-ordinating the movement of traffic of common concern on these systems.

2. In case any member Government meets with difficulties in carrying out these recommendations owing to reasons of a material or economic character, the Organisation shall investigate with member Governments concerned means of practical help.

Information of Transport Equipment and Material

3. The Organisation shall receive and collect information concerning the requirements of transport equipment and material for Continental Europe.

Realisation of Requirements for Transport Equipment and material

4. The Organisation shall assist the realisation of requirements of any member Government in Continental Europe for transport equipment and material.

Allocation and Distribution for Use of Transport Equipment and Material

5. The Organisation shall, within the framework of the priorities determined by the appropriate authorities of the United Nations, determine the allocation, or distribution for use, to Governments in Continental Europe, on such conditions as it may deem necessary, of such transport equipment and material as may be made available for this purpose by the Allied Commanders-in-Chief, by Occupation Authorities, or by agencies of any one or more of the United Nations. To enable the Organisation to carry out this function effectively, it may consult with the Governments concerned on their export possibilities of, and import needs of, transport equipment and material for Continental Europe and will receive from such Governments notification of all arrangements made in respect thereto of which they have notice.

Arrangements to make Mobile Transport Equipment and Material available

6. In cases where temporary emergency requirements of mobile transport equipment for carrying traffic of common concern arise and the usual arrangements for the interchange of such mobile transport equipment are inadequate, the Organization shall arrange with member Governments concerned to make available mobile transport equipment for the purpose of meeting such requirements. Such mobile transport equipment shall be made available under arrangements made between the member Governments concerned, with the assistance of the Organisation.

Census of Transport Equipment and Material

7. The Organisation shall at the earliest practicable time arrange through the member Governments for a census of rolling-stock in Continental

Europe and of such other transport equipment and material there as may appear necessary for the proper discharge of its functions.

Identification and Restoration of Transport Equipment and Material

8. The Organisation shall arrange, as soon as practicable, to restore to any member Government transport equipment and material belonging to it or to its nationals, found outside the territories under its authority and outside its control. Should any difficulties of identification arise, the Organisation shall arrange immediately for such special measures to be taken as may be necessary to meet them. Where such restoration would unduly prejudice the operation of essential transport, the Organisation shall work out agreements with the Governments concerned for the temporary use of transport equipment pending its restoration. The arrangements for restoration shall be made on the basis of the ownership of the property which existed before any territorial changes in Europe, resulting from Axis policy, and in accordance with any general policies which may be determined by the appropriate authorities of the United Nations regarding restoration and restitution of the property removed by the enemy.

Traffic

9. The Organisation may make such recommendations to the appropriate authorities as it deems necessary with respect to the method of carrying out projected movements of traffic of common concern, having regard to the transport facilities available for the movement of such traffic.

10. The Organisation shall make recommendations to the Governments concerned in order to ensure the movement of traffic of common concern on all routes of transport in Continental Europe in accordance with the priorities determined by the appropriate authorities of the United Nations. In respect of traffic of military importance sponsored by the Allied Commanders-in-Chief, the appropriate authority for this purpose will be the Allied Commander-in-Chief concerned.

Charges

11. The Organisation may work out the unification of tariffs, terms and conditions of transport and the like, applicable to traffic of an international character. It shall recommend to the Governments concerned the principles by which reasonable transport charges for traffic of common concern in Continental Europe should be fixed by them in accordance with the provisions of paragraph 9 of Article VIII. This paragraph shall not apply to military traffic under the control of any Allied Commander-in-Chief except at his request.

Rehabilitation of Transport Systems

12. The Organisation may study the conditions of transport affecting traffic of an international character in individual countries and make recom-

mendations to the Governments concerned as to technical measures directed to the quickest restoration of transport facilities and their most effective use, and as to the priority in which works or projects in respect of the restoration or improvement of transport facilities shall be carried out.

Operation of Transport

13. While it remains the task of each member Government to provide for the efficient operation of the transport systems in Continental Europe for which it is responsible, the Organisation may exceptionally, at the request of any member Government, give any assistance in its power in the rehabilitation or operation of transport in any territory in Continental Europe under the authority of such Government on such conditions as may be agreed between it and the Organisation, having due regard to the rights of other member Governments.

Co-ordination of European Transport

14. The Organisation shall work out and co-ordinate common action to secure the inauguration, maintenance, modification, resumption or, where appropriate, suppression, of international arrangements for through working of railways and exchange of rolling-stock of the Continental European countries for carrying out international transport. In particular, it shall ensure a unified clearing system for traffic operations between the different countries in Continental Europe. In general, it shall promote where necessary the establishment of appropriate machinery for co-operation between railway administrations.

15. The Organisation shall place its services at the disposal of member Governments and make recommendations with a view to ensuring the most efficient movement of international traffic on waterways. It shall not, however, make recommendations with regard to questions concerning the régimes of the international inland waterways of Continental Europe.

16. The Organisation shall take through the Governments concerned such steps as may be practicable to facilitate international traffic of common concern in lorries and other road vehicles and the co-ordination of road and other means of transport with a view to ensuring the movement of international traffic.

17. In carrying out the functions mentioned in paragraphs 14 and 16 of this Article and in placing its services at the disposal of member Governments as described in paragraph 15 of this Article, the Organisation shall make use, to the extent practicable, of conventions in force between member Governments so as to obtain the greatest benefit therefrom for the fulfilment of this task, provided that the Organisation shall act—

(a) in accordance with any general policies which may be determined by the appropriate authorities of the United Nations; and

(b) with due respect for existing rights and obligations.

18. The Organisation shall make recommendations to the Governments concerned designed to promote adequate co-ordination of all European transport for the fulfilment of the common military needs of the United Nations or in the interests of traffic of an international character.

Relations with other Agencies

19. The Organisation shall co-operate as may be required with the appropriate authorities and agencies of any one or more of the United Nations and with international organisations.

20. The Organisation shall provide all possible assistance to the Allied Commanders-in-Chief in meeting their needs for transport facilities and improving the use of these facilities for the successful fulfilment of military requirements.

21. The Organisation shall arrange for consultation, through appropriate machinery, with representatives of persons employed in inland transport on international questions of mutual concern to the Organisation and such representatives within the field of the Organisation's activities.

Miscellaneous

22. The Organisation may advise the Governments concerned and the appropriate authorities of the United Nations on the priority to be given, in the interests of the rehabilitation of European transport, to the repatriation of displaced transport personnel and to workers required for the production, maintenance or repair of transport equipment and material.

23. The Organisation shall give all practicable assistance through the appropriate authorities to any member Government at its request in obtaining supplies of fuel, power and lubricants to meet the needs of traffic of common concern, in order that that Government may fulfil its obligations under paragraph 7 of Article VIII.

ARTICLE VIII. Obligations of Member Governments

Information

1. Every member Government, in respect of any territory which is under its authority and in the field of activity of the Organisation, shall, upon request of the Organisation, provide it with such information as is essential for the performance of its functions.

Census of Transport Equipment and Material

2. Every member Government undertakes to co-operate fully with the Organisation in arranging any census for which provision is made in paragraph 7 of Article VII.

Identification and Restoration of Transport Equipment and Material

3. Every member Government, in respect of any territory which is under its authority and in the field of activity of the Organisation, undertakes that—

- (i) It will facilitate the execution of paragraph 8 of Article VII.
- (ii) It will not seize:

(a) transport equipment and material in Continental Europe found outside the territories under its authority, even though such equipment and material may belong to it or to any of its nationals;

(b) transport equipment and material found within territory under its authority but not belonging to it or any of its nationals;

(c) transport equipment and material coming within territory under its authority as the result of arrangements made under the auspices of the Organisation for the movement of traffic of common concern;

provided, however:

(i) that every member Government shall be permitted to use equipment defined under (b) and (c) above subject to the provisions of paragraphs 5 and 8 of Articles VII and, in the case of enemy or ex-enemy transport equipment and material, without prejudice to its ultimate disposal by the appropriate authorities of the United Nations; and

(ii) that nothing in this paragraph shall debar any member Government or any of its nationals from continuing the management of its or his own inland vessels.

4. The provisions of paragraph 3 of this Article shall not affect the rights of the Allied Commanders-in-Chief within any territory in respect of which the Organisation has not begun to exercise its functions under Article VII.

Traffic

5. Every member Government undertakes to ensure by any means in its power the best possible movement of traffic of common concern in accordance with the recommendations made by the Organisation under paragraph 10 of Article VII.

6. Every member Government undertakes to provide inland vessels under its control in Continental Europe required for traffic of common concern,

(i) in accordance with the recommendations of the Organisation generally, and

(ii) if signatory to the Annex to this Agreement, in accordance with its terms.

Provision of Fuel, Power and Lubricants

7. Every member Government shall take all measures necessary and practicable to ensure, in respect of the territory in Continental Europe under its authority, that adequate supplies of fuel, power and lubricants are available for traffic of common concern, provided that the Organisation has made suitable arrangements with the Government concerned.

Charges

8. Every member Government undertakes not to levy or permit the levy of customs duties or other charges, other than transport charges, and admissible transit charges on traffic of common concern in transit through territories in Continental Europe under its authority. No discrimination shall be made in respect of import duties levied on goods of common concern, dependent on the route the goods have traveled prior to importation into the country concerned.

9. Every member Government undertakes to secure that transport charges made within territories in Continental Europe under its authority on traffic of common concern, including such traffic in transit through such territories, shall be as low and simple and as uniform with those in other territories, to which this Agreement applies, as is practicable. Every member Government shall give the fullest consideration to recommendations made by the Organisation in accordance with paragraph 11 of Article VII and report to the Organisation on the action taken.

Miscellaneous

10. Every member Government undertakes to co-operate with the Organisation in the exercise of its functions under paragraphs 14 and 16 of Article VII.

11. Every member Government shall use its best endeavours in its relations with any other international organisations, agencies or authorities to give effect to the provisions of this Agreement.

12. Every member Government shall give the fullest consideration to any recommendations made by the Organisation in accordance with paragraphs 12, 15 and 18 of Article VII and report to the Organisation on the action taken.

13. Every member Government shall recognise the international personality and legal capacity which the Organisation possesses.

14. Every member Government shall respect the exclusively international character of the members of the Executive Board, the Chief Officer and the staff of the Organisation.

15. Every member Government shall accord to the Organisation the privileges, immunities and facilities which they grant to each other, including in particular—

- (a) immunity from every form of legal process;
- (b) exemption from taxation and customs duties; and
- (c) inviolability of premises occupied by, and of the archives and communications of the Organisation.

16. Every member Government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organisation, to the members of the Executive Board, and to the higher officials of the Organisation not being their own nationals.

17. Every member Government shall accord to all officials and employees of the Organisation—

- (a) immunity from suit and legal process relating to acts performed by them in their official capacity;
- (b) all such facilities for their movement, and for the execution of their functions, as are deemed necessary by the Organisation for the speedy and effective fulfilment of their official duties; and
- (c) except in the case of their own nationals, exemption from taxation of their official salaries and emoluments.

18. Every member Government shall in territory under its authority take all steps in its power to facilitate the exercise by the Organisation of any of the powers referred to in Article IV.

ARTICLE IX

The Organisation shall be related to any general international organisation to which may be entrusted the co-ordination of the activities of international organisations with specialised responsibilities.

ARTICLE X

1. The functions of the Organisation shall relate to all forms of transport by road, rail or waterway, within the territories of the Continent of Europe in which the Organisation operates, but not to sea-going shipping, except that the provisions of paragraph 10 of Article VII and paragraph 5 of Article VIII shall apply in respect of such shipping when employed in Continental Europe on inland waterways.

2. In regard to the handling of traffic in ports where sea-going vessels are discharged or loaded, the Organisation shall co-operate with the appropriate authorities of the member Government concerned and any shipping organisation set up by them to ensure—

- (i) the rapid turn-round of ships;
- (ii) the efficient use of port facilities in the best interests of the prompt clearance of cargo of common concern.

ARTICLE XI

In the event of there being any direct inconsistency between the provisions of this Agreement and the provisions of any agreement already existing between any of the member Governments, the provisions of this Agreement shall, as between such member Governments, be deemed to prevail, due respect being had to the provisions of paragraph 17 of Article VII, provided, however, that nothing in this Article shall be construed to prevent member Governments from entering into agreements to facilitate the working of traffic across national frontiers.

ARTICLE XII. Definitions

1. For the purpose of this Agreement and its Annex, the definitions given in this Article have been adopted.

2. The term "inland transport" shall include all forms of transport as referred to in Article X of this Agreement.

3. The term "Continental Europe" shall mean all territories in Europe under the authority or control of member Governments, but shall not extend to territory of the United Kingdom or of the Union of Soviet Socialist Republics.

4. The term "territory under the authority of a member Government" shall be construed to mean territory in Continental Europe either under the sovereignty of a member Government or territory over which a member Government or member Governments is or are exercising authority or control.

5. The term "transport equipment and material" shall include, so far as the Executive Board deems it necessary for the execution of the functions of the Organisation:

(i) any items of fixed and mobile equipment, stores (other than fuel), plant and spares and accessories of all kinds specifically intended and required for use of transport undertakings, including equipment required for use in ports, whether ashore or float;

(ii) equipment and material specifically intended and required for the rehabilitation, maintenance or construction of roads, railways, bridges, ports and inland waterways;

(iii) major plant and tools specifically required for the repair of transport equipment and material for use by transport authorities.

6. The term "traffic of common concern" shall include—

(i) personnel, stores, supplies or other traffic to be moved in accordance with the requirements of the Allied Commanders-in-Chief;

(ii) displaced and other persons to be moved in accordance with the priorities determined by the appropriate United Nations authorities;

(iii) supplies for civil needs to be moved in Continental Europe in accordance with the priorities determined by the appropriate United Nations authorities;

(iv) property removed by the enemy.

7. The term "transport charges" shall include, in addition to freight or conveyance charges, any other incidental charges, such as tolls, port charges, charges for warehousing and handling goods in transit which may affect the cost of transport.

8. The term "admissible transit charges" means dues intended solely to defray expenses of supervision and administration entailed by the transit traffic concerned.

9. The term "Allied Commander-in-Chief" shall mean any Commander-in-Chief designated for commands on the Continent of Europe by the appropriate authorities of any of the following:

The French Republic

The Union of Soviet Socialist Republics

The United Kingdom of Great Britain and Northern Ireland

The United States of America.

10. The term "Government" includes any Provisional Government.

ARTICLE XIII

Until the expiry of the period of two years from this day's date, the provisions of this Agreement may be amended, suspended or terminated only by a unanimous vote of the Council. At any time after that date any provision of this Agreement may be amended, suspended or terminated by a two-thirds majority of the Council, provided that no alteration shall be made in the provisions of this Agreement so as to extend the obligations or financial liability of any member Government without that Government's consent.

ARTICLE XIV

1. This Agreement shall come into force for each member Government on the date of signature on its behalf or of its admission to the Organisation under Article II.

2. It shall remain in force for two years from this day's date. It shall thereafter remain in force, subject to the right of any member Government, after the expiry of eighteen months from this day's date, to give six months' notice in writing to the Council of its intention to withdraw from this Agreement.

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

Done in London on the 27th day of September, 1945, in English, French and Russian, all three texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all Signatory Governments.

For the Government of the United States of America:

JOHN G. WINANT

For the Government of Belgium:

OBERT DE THIEUSIES

For the Government of Czechoslovakia:

BARÁČEK-JACQUIER

For the Provisional Government of the French Republic:

R. MASSIGLI

For the Government of the United Kingdom of Great Britain and Northern Ireland:

PHILIP NOEL-BAKER

For the Royal Hellenic Government:

TH. AGHNIDES

For the Government of the Grand Duchy of Luxembourg:

A. ALS

For the Government of the Netherlands:

C. C. GISCHLER

For the Government of Norway:

ERIK COLBAN

Subject to approval by the Storting²

For the Government of the Polish Republic:

HENRYK STRASBURGER

For the Government of the Union of Soviet Socialist Republics:

F. S. BADULIN

For the Yugoslav Government:

DR. LJUBO LEONTIĆ

For the Royal Danish Government:

E. REVENTLOW

ANNEX

PROTOCOL RELATING TO TRAFFIC ON INLAND WATERWAYS

PREAMBLE

With a view to fulfilling, in respect of traffic on inland waterways, the obligations assumed by the member Governments under the Agreement concerning the establishment of an European Central Inland Transport Organisation (hereinafter referred to as the Agreement), and subject to the conditions set out therein, the Governments signatory hereto have agreed as follows:

ARTICLE I

Every Government signatory hereto undertakes to establish appropriate machinery necessary for the application of all the obligations assumed in paragraphs 5 and 6 of Article VIII of the Agreement to traffic on Inland Waterways and to appoint persons or organisations entitled to treat with the Organisation on questions of this nature.

ARTICLE II

The Governments signatory hereto, taking into account the geographical,

² Approved Dec. 11, 1946.

technical and other peculiarities connected with traffic on inland waterways and the needs of each of them in these respects, will nominate experts to be consulted by the Organisation on questions of traffic on inland waterways within the various areas of such traffic.

ARTICLE III

For each waterways traffic area in Continental Europe, the allocation of inland shipping and, if necessary, shipping space for carrying traffic of common concern in accordance with approved programmes will be determined from time to time by the Organisation in agreement with the Governments concerned. In determining this allocation, due account shall be taken of the particulars of the vessel, its equipment and crew and of its normal traffic.

ARTICLE IV

The terms of remuneration to be paid by the users of inland vessels for traffic of common concern shall be worked out by the Organisation in agreement with the Governments and/or the authorities concerned on a fair and reasonable basis in such a manner as to give effect to the following two principles:

- (i) inland vessels of all flags performing the same services should receive the same freights;
- (ii) freights with reference to paragraph 11 of Article VII shall be calculated so as to include, after providing for depreciation of the ship, a reasonable margin of profit.

ARTICLE V

1. This Protocol shall remain open for signature in London on behalf of any member Government of the European Central Inland Transport Organisation.

2. This Protocol shall come into force for each Government signatory thereto as from the date of signature on its behalf. Any Government when signing the present Protocol may declare that its signature shall not become effective until this Protocol has been signed by certain other specified Governments.

3. This protocol shall remain in force for two years from this day's date. It shall thereafter remain in force subject to the right of any signatory Government, after the expiry of eighteen months from this day's date, to give six months' notice in writing to the Council of the European Central Inland Transport Organisation of its intention to withdraw from this Protocol.

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

Done in London on the 27th day of September, 1945, in English, French

and Russian, all three texts being equally authentic in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all signatory Governments.

For the Government of the United States of America:

JOHN G. WINANT

For the Government of Belgium:

OBERT DE THIEUSIES

For the Government of Czechoslovakia:

For the Provisional Government of the French Republic:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

PHILIP NOEL-BAKER

For all the Royal Hellenic Government:

TH. AGHNIDES

For the Government of the Grand-Duchy of Luxembourg:

A. ALS

For the Government of the Netherlands:

C. C. GISCHLER

For the Government of Norway:

For the Government of the Polish Republic:

HENRYK STRASBURGER

For the Government of the Union of Soviet Socialist Republics:

F. S. BADULIN

For the Yugoslav Government:

DR. LJUBO LEONTI

For the Royal Danish Government:

E. REVENTLOW

PROTOCOL RELATING TO THE TRANSFER FROM THE PROVISIONAL ORGANISATION FOR EUROPEAN INLAND TRANSPORT TO THE EUROPEAN CENTRAL INLAND TRANSPORT ORGANISATION

The Governments on whose behalf the present Protocol is signed:

Having regard to Article V of the Agreement concerning a Provisional Organisation for European Inland Transport (hereinafter referred to as "the Provisional Organisation") of the 8th May 1945,³ which provides that "this Agreement shall, in any case, cease to have effect from the date when the Organisation provided for in the Draft Agreement is established",

And being desirous to provide for the transfer to the European Central Inland Transport Organisation (hereinafter referred to as "the Definitive Organisation") of the records, assets and liabilities of the Provisional Organisation,

And comprising the members of the Provisional Organisation and all the signatories of the Agreement establishing the Definitive Organisation,

Have agreed as follows:

ARTICLE I

1. The records, assets and liabilities of the Provisional Organisation shall

³ EAS 458, *ante*, p. 1125.

be transferred to the Definitive Organisation in accordance with the following provisions:

(a) The Provisional Organisation shall make available, and, where desired, transfer, to the Definitive Organisation in such a manner as may be convenient, all the records, proceedings and accounts of the Provisional Organisation;

(b) The Provisional Organisation shall transfer at cost all its assets in the form of motor cars, furniture and office equipment and the benefits of payments, made in advance in respect of rent, insurance etc, to the Definitive Organisation;

(c) The Provisional Organisation shall transfer to the Definitive Organisation all liabilities in respect of obligations to the staff, such as contributions payable to the proposed Provident Fund, gratuities in respect of services rendered, payment of salaries for periods of leave which have already been earned and other benefits intended to accrue to the staff on completion of their service:

(d) In so far as members of the staff of the Provisional Organisation are re-engaged as members of the staff of the Definitive Organisation, the respective Councils of the Provisional and Definitive Organisations shall make such regulations as are appropriate to the matters referred to in (c) above.

2. The Council, Executive and Staff of the Provisional Organisation shall continue their respective functions for such period as is necessary to give effect to the provisions of Paragraph 1 above and all the detailed arrangements of transfer shall be agreed between the Council of the Provisional Organisation and the Council of the Definitive Organisation.

ARTICLE II

The surplus of the funds available to the Provisional Organisation, after settlement of all liabilities other than those referred to in Article I, Paragraph 1(c) shall be ascertained and credited to member Governments of the Provisional Organisation, in the same proportions as their respective financial contributions to the Provisional Organisation bear to the total contributions paid to that Organisation, as advances against contributions which these Governments may hereafter agree to make towards the administrative expenses of the Definitive Organisation in accordance with Article V of the Agreement establishing the European Central Inland Transport Organisation.

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

Done in London on the 27th day of September, 1945, in English, French and Russian, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United King-

dom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all Signatory Governments.

For the Government of the United States of
America:

JOHN G. WINANT

For the Government of Belgium:

OBERT DE THIEUSIES

For the Government of Czechoslovakia:

BARÁČEK JACQUIER

For the Provisional Government of the
French Republic:

R. MASSIGLI

For the Government of the United Kingdom
of Great Britain and Northern Ireland:

PHILIP NOEL-BAKER

For the Royal Hellenic Government:

TH. AGHNIDES

For the Government of the Grand-Duchy
of Luxembourg:

A. ALS

For the Government of the Netherlands:

C. C. GISCHLER

For the Government of Norway:

ERIK COLBAN

For the Government of the Polish Republic:

HENRYK STRASBURGER

For the Government of the Union of Soviet
Socialist Republics:

F. S. BADULIN

For the Yugoslav Government:

DR. LJUBO LEONTIĆ

For the Royal Danish Government:

E. REVENTLOW

COFFEE (INTER-AMERICAN)

*Protocol signed at Washington October 1, 1945, modifying and extending agreement of November 28, 1940*¹

Senate advice and consent to ratification April 11, 1946

Ratified by the President of the United States April 29, 1946

Ratification of the United States deposited with the Pan American Union May 1, 1946

Entered into force October 1, 1945; for the United States May 1, 1946, operative from October 1, 1945

Proclaimed by the President of the United States May 7, 1946

60 Stat. 1359; Treaties and Other
International Acts Series 1513

PROTOCOL FOR THE EXTENSION OF THE INTER-AMERICAN COFFEE AGREEMENT FOR ONE YEAR FROM OCTOBER 1, 1945

Whereas an Inter-American Coffee Agreement (hereinafter referred to as "the Agreement") was signed in Washington on November 28, 1940;²

And whereas by a Protocol signed in Washington on April 15, 1941,² the Agreement was regarded as having come into force immediately in respect of the Governments signatory to that Protocol;

And whereas it was provided in said Agreement that it should continue in force until October 1, 1943;

And whereas by unanimous consent the Governments signatory to the Agreement have twice extended the said Agreement unchanged for one-year periods, these extensions being duly attested by two certified and signed Declarations passed by the Inter-American Coffee Board on May 12, 1943 and July 25, 1944, respectively, which were duly deposited in the Pan American Union on June 11, 1943 and September 11, 1944, respectively, in accordance with the procedure established in Article XXIV of the Agreement.

¹ The coffee agreement was further extended by a protocol of Oct. 1, 1946 (TIAS 1605, *post*, vol. 4).

² TS 970, *ante*, p. 671.

Now, therefore, in support of a recommendation made by the Inter-American Coffee Board on June 13, 1945, the Governments signatory to the present Protocol, considering that it is expedient that the Agreement should be prolonged for a further term, subject to the conditions stated below, have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Governments signatory to the present Protocol for a period of one year from October 1, 1945.

ARTICLE 2

During the period specified in Article 1 above, the Governments signatory to the present Protocol agree that the provisions of Articles I through and including VIII of the Agreement shall be inoperative, except that, under emergency conditions, such articles of the Agreement shall again become effective upon a motion approved by at least a 95% of the total vote of the Inter-American Coffee Board.

ARTICLE 3

a. The Governments signatory to the present Protocol agree that, during the period specified in Article 1 above, the Inter-American Coffee Board shall undertake to prepare a thorough analysis of the world coffee situation and shall formulate recommendations, for the consideration of the governments now participating in the Agreement and of other governments that might be interested in participating in a revised agreement, regarding the type of international cooperation that appears most likely to contribute to the development of sound, prosperous conditions in international trade in coffee equitable for both producers and consumers.

b. Such recommendations shall take due account of any general principles of commodity policy embodied in any agreement which may be concluded under the auspices of the United Nations prior to the submission of such recommendations.

ARTICLE 4

The present Protocol shall be open for signature at the Pan American Union from September 1, 1945, until November 1, 1945, provided, however, that all signatures shall be deemed to have effect as of October 1, 1945.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Protocol.

Done at the City of Washington in English, Spanish, Portuguese and French. The original instrument in each language shall be deposited in the

Pan American Union and certified copies shall be furnished to the Governments signatory to this Protocol.

E. PENTEADO
Brazil

EMILIO TORO
(*Ad referendum*)
Colombia

J. RAFAEL OREAMUNO
Costa Rica

GUILLERMO BELT
(*Subject to ratification by the Senate*)
[*Translation*]
Cuba

EMILO GARCÍA GODOY
Dominican Republic

JORGE REYES
(*Ad referendum*)
Ecuador

HÉCTOR DAVID CASTRO
El Salvador

ENRIQUE LÓPEZ HERRARTE
(*Ad referendum*)
Guatemala

ELIE GARCIA
Haiti

JULIÁN R. CÁCERES
Honduras

RAFAEL DE LA COLINA
Mexico

ALBERTO SEVILLA SACASA
(*Ad referendum*)
Nicaragua

H. FERNÁNDEZ DÁVILA
(*Ad referendum*)
Peru

DEAN AGHESON
(*Subject to ratification*)
United States

M. A. FALCÓN BRICEÑO
(*Ad referendum*)
Venezuela

PROSECUTION AND PUNISHMENT OF MAJOR WAR CRIMINALS OF EUROPEAN AXIS

*Protocol signed at Berlin October 6, 1945, rectifying discrepancy in
agreement of August 8, 1945*

59 Stat. 1586; Executive Agreement Series 472

PROTOCOL

Whereas an Agreement and Charter regarding the Prosecution of War Criminals was signed in London on the 8th August 1945,¹ in the English, French, and Russian languages,

And whereas a discrepancy has been found to exist between the originals of Article 6, paragraph (c), of the Charter in the Russian language, on the one hand, and the originals in the English and French languages, on the other, to wit, the semi-colon in Article 6, paragraph (c), of the Charter between the words "war" and "or," as carried in the English and French texts, is a comma in the Russian text,

And whereas it is desired to rectify this discrepancy:

Now, therefore, the undersigned, signatories of the said Agreement on behalf of their respective Governments, duly authorized thereto, have agreed that Article 6, paragraph (c), of the Charter in the Russian text is correct, and that the meaning and intention of the Agreement and Charter require that the said semi-colon in the English text should be changed to a comma, and that the French text should be amended to read as follows:

c) *Les crimes contre l'humanité*: c'est à dire l'assassinat, l'extermination, la réduction en esclavage, la déportation, et tout autre acte inhumain commis contre toutes populations civiles, avant ou pendant la guerre, ou bien les persécutions pour des motifs politiques, raciaux, ou religieux, lorsque ces actes ou persécutions, qu'ils aient constitué ou non une violation du droit interne du pays où ils ont été perpétrés, ont été commis à la suite de tout crime rentrant dans la compétence du Tribunal, ou en liaison avec ce crime.

In witness whereof the Undersigned have signed the present Protocol.

¹ EAS 472, *ante*, p. 1238.

Done in quadruplicate in Berlin this 6th day of October, 1945, each in English, French, and Russian, and each text to have equal authenticity.

For the Government of the United States of
America:

ROBERT H. JACKSON

For the Provisional Government of the
French Republic:

F. DE MENTHON

For the Government of the United Kingdom
of Great Britain and Northern Ireland:

HARTLEY SHAWCROSS

For the Government of the Union of Soviet
Socialist Republics:

R. RUDENKO

UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

Constitution, with annexes, signed at Quebec October 16, 1945

Entered into force October 16, 1945

*Amendments adopted by FAO Conference in 1946, 1947, 1949, 1950,
1951, 1953, 1955, 1957, 1959, 1961, 1963, 1965, and 1967*¹

60 Stat. 1886; Treaties and Other
International Acts Series 1554

CONSTITUTION OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

PREAMBLE

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purposes of

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions,

securing improvements in the efficiency of the production and distribution of all food and agricultural products,

bettering the condition of rural populations, and thus contributing toward an expanding world economy,

hereby establish the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Organization", through which the Members will report to one another on the measures taken and the progress achieved in the fields of action set forth above.

ARTICLE I

FUNCTIONS OF THE ORGANIZATION

1. The Organization shall collect, analyse, interpret, and disseminate information relating to nutrition, food and agriculture.

¹ For 1946–1959 amendments, see 12 UST 980; TIAS 4803. For 1961 amendments, see 13 UST 2616; TIAS 5229. For 1963 amendments, see 14 UST 2203; TIAS 5506. For 1965 amendments, see 17 UST 457; TIAS 5987. For 1967 amendment, see 18 UST 3273; TIAS 6421.

2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to

(a) scientific, technological, social, and economic research relating to nutrition, food and agriculture;

(b) the improvement of education and administration relating to nutrition, food and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;

(c) the conservation of natural resources and the adoption of improved methods of agricultural production;

(d) the improvement of the processing, marketing, and distribution of food and agricultural products;

(e) the adoption of policies for the provision of adequate agricultural credit, national and international;

(f) the adoption of international policies with respect to agricultural commodity arrangements.

3. It shall also be the function of the Organization

(a) to furnish such technical assistance as governments may request;

(b) to organize, in cooperation with the governments concerned, such missions as may be needed to assist them to fulfil the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture; and

(c) generally to take all necessary and appropriate action to implement the purposes of the Organization as set forth in the Preamble.

ARTICLE II

MEMBERSHIP

1. The original Members of the Organization shall be such of the nations specified in Annex I as accept this Constitution in accordance with the provisions of Article XXI.

2. Additional Members may be admitted to the Organization by a vote concurred in by a two-thirds majority of all the members of the Conference and upon acceptance of this Constitution as in force at the time of admission.

ARTICLE III

THE CONFERENCE

1. There shall be a Conference of the Organization in which each Member nation shall be represented by one member.

2. Each Member nation may appoint an alternate, associates, and advisers to its member of the Conference. The Conference may make rules concerning the participation of alternates, associates, and advisers in its proceedings, but

any such participation shall be without the right to vote except in the case of an alternate or associate participating in the place of a member.

3. No member of the Conference may represent more than one Member nation.

4. Each Member nation shall have only one vote.

5. The Conference may invite any public international organization which has responsibilities related to those of the Organization to appoint a representative who shall participate in its meetings on the conditions prescribed by the Conference. No such representative shall have the right to vote.

6. The Conference shall meet at least once in every year.

7. The Conference shall elect its own officers, regulate its own procedure, and make rules governing the convocation of sessions and the determination of agenda.

8. Except as otherwise expressly provided in this Constitution or by rules made by the Conference, all matters shall be decided by the Conference by a simple majority of the votes cast.

ARTICLE IV

FUNCTIONS OF THE CONFERENCE

1. The Conference shall determine the policy and approve the budget of the Organization and shall exercise the other powers conferred upon it by this Constitution.

2. The Conference may by a two-thirds majority of the votes cast make recommendations concerning questions relating to food and agriculture to be submitted to Member nations for consideration with a view to implementation by national action.

3. The Conference may by a two-thirds majority of the votes cast submit conventions concerning questions relating to food and agriculture to Member nations for consideration with a view to their acceptance by the appropriate constitutional procedure.

4. The Conference shall make rules laying down the procedure to be followed to secure:

(a) proper consultation with governments and adequate technical preparation prior to consideration by the Conference of proposed recommendations and conventions; and

(b) proper consultation with governments in regard to relations between the Organization and national institutions or private persons.

5. The Conference may make recommendations to any public international organization regarding any matter pertaining to the purpose of the Organization.

6. The Conference may by a two-thirds majority of the votes cast agree to discharge any other functions consistent with the purposes of the Organiza-

tion which may be assigned to it by governments or provided for by any arrangement between the Organization and any other public international organization.

ARTICLE V

THE EXECUTIVE COMMITTEE

1. The Conference shall appoint an Executive Committee consisting of not less than nine or more than fifteen members or alternate or associate members of the Conference or their advisers who are qualified by administrative experience or other special qualifications to contribute to the attainment of the purpose of the Organization. There shall be not more than one member from any Member nation. The tenure and other conditions of office of the members of the Executive Committee shall be subject to rules to be made by the Conference.

2. Subject to the provisions of paragraph 1 of this Article, the Conference shall have regard in appointing the Executive Committee to the desirability that its membership should reflect as varied as possible an experience of different types of economy in relation to food and agriculture.

3. The Conference may delegate to the Executive Committee such powers as it may determine, with the exception of the powers set forth in paragraph 2 of Article II, Article IV, paragraph 1 of Article VII, Article XIII, and Article XX of this Constitution.

4. The members of the Executive Committee shall exercise the powers delegated to them by the Conference on behalf of the whole Conference and not as representatives of their respective governments.

5. The Executive Committee shall appoint its own officers and, subject to any decisions of the Conference, shall regulate its own procedure.

ARTICLE VI

OTHER COMMITTEES AND CONFERENCES

1. The Conference may establish technical and regional standing committees and may appoint committees to study and report on any matter pertaining to the purpose of the Organization.

2. The Conference may convene general, technical, regional, or other special conferences and may provide for the representation at such conferences, in such manner as it may determine, of national and international bodies concerned with nutrition, food and agriculture.

ARTICLE VII

THE DIRECTOR-GENERAL

1. There shall be a Director-General of the Organization who shall be appointed by the Conference by such procedure and on such terms as it may determine.

2. Subject to the general supervision of the Conference and its Executive Committee, the Director-General shall have full power and authority to direct the work of the Organization.

3. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of its Executive Committee and shall formulate for consideration by the Conference and the Executive Committee proposals for appropriate action in regard to matters coming before them.

ARTICLE VIII

STAFF

1. The staff of the Organization shall be appointed by the Director-General in accordance with such procedure as may be determined by rules made by the Conference.

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The Member nations undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

3. In appointing the staff the Director-General shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of selecting personnel recruited on as wide a geographical basis as is possible.

4. Each Member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

ARTICLE IX

SEAT

The seat of the Organization shall be determined by the Conference.

ARTICLE X

REGIONAL AND LIAISON OFFICES

1. There shall be such regional offices as the Director-General with the approval of the Conference may decide.

2. The Director-General may appoint officials for liaison with particular countries or areas subject to the agreement of the government concerned.

ARTICLE XI

REPORTS BY MEMBERS

1. Each Member nation shall communicate periodically to the Organization reports on the progress made toward achieving the purpose of the Organization set forth in the Preamble and on the action taken on the basis of recommendations made and conventions submitted by the Conference.

2. These reports shall be made at such times and in such form and shall contain such particulars as the Conference may request.

3. The Director-General shall submit these reports, together with analyses thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference together with any reports relating thereto adopted by the Conference.

4. The Director-General may request any Member nation to submit information relating to the purpose of the Organization.

5. Each Member nation shall, on request, communicate to the Organization, on publication, all laws and regulations and official reports and statistics concerning nutrition, food and agriculture.

ARTICLE XII

COOPERATION WITH OTHER ORGANIZATIONS

1. In order to provide for close cooperation between the Organization and other public international organizations with related responsibilities, the Conference may, subject to the provisions of Article XIII, enter into agreements with the competent authorities of such organizations defining the distribution of responsibilities and methods of cooperation.

2. The Director-General may, subject to any decisions of the Conference, enter into agreements with other public international organizations for the maintenance of common services, for common arrangements in regard to recruitment, training, conditions of service, and other related matters, and for interchanges of staff.

ARTICLE XIII

RELATION TO ANY GENERAL WORLD ORGANIZATION

1. The Organization shall, in accordance with the procedure provided for in the following paragraph, constitute a part of any general international organization to which may be entrusted the coordination of the activities of international organizations with specialized responsibilities.

2. Arrangements for defining the relations between the Organization and any such general organization shall be subject to the approval of the Con-

ference. Notwithstanding the provisions of Article XX, such arrangements may, if approved by the Conference by a two-thirds majority of the votes cast, involve modification of the provisions of this Constitution: Provided that no such arrangements shall modify the purposes and limitations of the Organization as set forth in this Constitution.

ARTICLE XIV

SUPERVISION OF OTHER ORGANIZATIONS

The Conference may approve arrangements placing other public international organizations dealing with questions relating to food and agriculture under the general authority of the Organization on such terms as may be agreed with the competent authorities of the organization concerned.

ARTICLE XV

LEGAL STATUS

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.

ARTICLE XVI

FISH AND FOREST PRODUCTS

In this Constitution the term "agriculture" and its derivatives include fisheries, marine products, forestry, and primary forestry products.

ARTICLE XVII

INTERPRETATION OF CONSTITUTION

Any question or dispute concerning the interpretation of this Constitution or any international convention adopted thereunder shall be referred for determination to an appropriate international court or arbitral tribunal in the manner prescribed by rules to be adopted by the Conference.

ARTICLE XVIII

EXPENSES

1. Subject to the provisions of Article XXV, the Director-General shall submit to the Conference an annual budget covering the anticipated expenses of the Organization. Upon approval of a budget the total amount approved

shall be allocated among the Member nations in proportions determined, from time to time, by the Conference. Each Member nation undertakes, subject to the requirements of its constitutional procedure, to contribute to the Organization promptly its share of the expenses so determined.

2. Each Member nation shall, upon its acceptance of this Constitution, pay as its first contribution its proportion of the annual budget for the current financial year.

3. The financial year of the Organization shall be July 1 to June 30 unless the Conference should otherwise determine.

ARTICLE XIX

WITHDRAWAL

Any Member nation may give notice of withdrawal from the Organization at any time after the expiration of four years from the date of its acceptance of this Constitution. Such notice shall take effect one year after the date of its communication to the Director-General of the Organization subject to the Member nation's having at that time paid its annual contribution for each year of its membership including the financial year following the date of such notice.

ARTICLE XX

AMENDMENT OF CONSTITUTION

1. Amendments to this Constitution involving new obligations for Member nations shall require the approval of the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference and shall take effect on acceptance by two-thirds of the Member nations for each Member nation accepting the amendment and thereafter for each remaining Member nation on acceptance by it.

2. Other amendments shall take effect on adoption by the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference.

ARTICLE XXI

ENTRY INTO FORCE OF CONSTITUTION

1. This Constitution shall be open to acceptance by the nations specified in Annex I.

2. The instruments of acceptance shall be transmitted by each government to the United Nations Interim Commission on Food and Agriculture, which shall notify their receipt to the governments of the nations specified in Annex I. Acceptance may be notified to the Interim Commission through a diplomatic representative, in which case the instrument of acceptance must be transmitted to the Commission as soon as possible thereafter.

3. Upon the receipt by the Interim Commission of twenty notifications of acceptance the Interim Commission shall arrange for this Constitution

to be signed in a single copy by the diplomatic representatives, duly authorized thereto, of the nations who shall have notified their acceptance, and upon being so signed on behalf of not less than twenty of the nations specified in Annex I this Constitution shall come into force immediately.

4. Acceptances the notification of which is received after the entry into force of this Constitution shall become effective upon receipt by the Interim Commission or the Organization.

ARTICLE XXII

FIRST SESSION OF THE CONFERENCE

The United Nations Interim Commission on Food and Agriculture shall convene the first session of the Conference to meet at a suitable date after the entry into force of this Constitution.

ARTICLE XXIII

LANGUAGES

Pending the adoption by the Conference of any rules regarding languages, the business of the Conference shall be transacted in English.

ARTICLE XXIV

TEMPORARY SEAT

The temporary seat of the Organization shall be at Washington unless the Conference should otherwise determine.

ARTICLE XXV

FIRST FINANCIAL YEAR

The following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

(a) the budget shall be the provisional budget set forth in Annex II to this Constitution; and

(b) the amounts to be contributed by the Member nations shall be in the proportions set forth in Annex II to this Constitution: Provided that each Member nation may deduct therefrom the amount already contributed by it toward the expenses of the Interim Commission.

ARTICLE XXVI

DISSOLUTION OF THE INTERIM COMMISSION

On the opening of the first session of the Conference, the United Nations Interim Commission on Food and Agriculture shall be deemed to be dissolved and its records and other property shall become the property of the Organization.

ANNEX I

NATIONS ELIGIBLE FOR ORIGINAL MEMBERSHIP

Australia	India
Belgium	Iran
Bolivia	Iraq
Brazil	Liberia
Canada	Luxembourg
Chile	Mexico
China	Netherlands
Colombia	New Zealand
Costa Rica	Nicaragua
Cuba	Norway
Czechoslovakia	Panama
Denmark	Paraguay
Dominican Republic	Peru
Ecuador	Philippine Commonwealth
Egypt	Poland
El Salvador	Union of South Africa
Ethiopia	Union of Soviet Socialist Republics
France	United Kingdom
Greece	United States of America
Guatemala	Uruguay
Haiti	Venezuela
Honduras	Yugoslavia
Iceland	

ANNEX II

BUDGET FOR THE FIRST FINANCIAL YEAR

The provisional budget for the first financial year shall be a sum of 2,500,000 U.S. dollars, the unspent balance of which shall constitute the nucleus of a capital fund.

This sum shall be contributed by the Member nations in the following proportions:

	<i>Per cent</i>		<i>Per cent</i>
Australia	3.33	Iran	.71
Belgium	1.28	Iraq	.44
Bolivia	.29	Liberia	.05
Brazil	3.46	Luxembourg	.05
Canada	5.06	Mexico	1.87
Chile	1.15	Netherlands	1.38
China	6.50	New Zealand	1.15
Colombia	.71	Nicaragua	.05
Costa Rica	.05	Norway	.62
Cuba	.71	Panama	.05
Czechoslovakia	1.40	Paraguay	.05
Denmark	.62	Peru	.71
Dominican Republic	.05	Philippines	.25
Ecuador	.05	Poland	1.19
Egypt	1.73	Union of South Africa	2.31
El Salvador	.05	U.S.S.R.	8.00
Ethiopia	.29	United Kingdom	15.00
France	5.69	U.S.A.	25.00
Greece	.38	Uruguay	.58
Guatemala	.05	Venezuela	.58
Haiti	.05	Yugoslavia	.71
Honduras	.05	Provision for new Members	2.00
Iceland	.05		
India	4.25	TOTAL	100.00

Done at Quebec, Canada, this sixteenth day of October, one thousand nine hundred and forty-five, in the English language, in a single copy which will be deposited in the archives of the Food and Agriculture Organization of the United Nations and of which authenticated copies will be transmitted by the Director-General to the governments of the nations enumerated in Annex I to this Constitution and of Members admitted to the Organization by the Conference in accordance with the provisions of Article II.

In witness whereof we have appended our signatures:

For Australia:

ALFRED STIRLING

For the Kingdom of Belgium:

A. WAUTERS

For Bolivia:

V ANDRADE

Subject to ratification in accordance
with the Constitution [translation]

For Brazil:

LOURIVAL FONTES

For Canada:

JAMES G. GARDINER

For Chile:

For China:

P. W. TSOU

For Colombia:

The Plenipotentiary of Colombia signs
the present agreement ad referendum,
subject to ratification in accordance with
Colombian constitutional procedure

GUILLERMO ELISEO SUÁREZ

For Costa Rica:

For Cuba:

ENRIQUE PEREZ-CISNEROS

Subject to approval by the Senate
[translation]

For Czechoslovakia:

FRANTISÈK PAVLÁSEK

For Denmark:

HENRIK KAUFFMANN

For the Dominican Republic:

MARIO E. DE MOYA

For Ecuador:

L. N. PONCE

Subject to ratification, in accordance
with the Ecuadorean Constitution
[translation]

For Egypt:

ANIS AZER

For El Salvador:

For Ethiopia:

For France

TANGUYPRIGENT
ANDRÉ MAYER

For Greece:

NICHOLAS G. LÉLY

For Guatemala:

ENRIQUE LOPEZ-HERRARTE
Ad. Referendum

For Haiti:

E BAKER

For Honduras:

JULIÁN R CÁCERES

For Iceland:

THOR THORS

For India:

G. S. BAJPAI

For Iran:

For Iraq:

ALI JAWDAT

For Liberia:

F. A. PRICE

For the Grand Duchy of Luxembourg:

HUGUES LE GALLAIS

For Mexico:

MANUEL J ZEVADA

Subject to ratification in accordance
with the Mexican Constitution

For the Kingdom of the Netherlands:

S. L. MANSHOLT

For New Zealand:

DAVID WILSON

For Nicaragua:

ALBERTO SEVILLA SACASA
Ad-Referendum

For the Kingdom of Norway:

ANDERS FJELSTAD

For Panama:

J E HEURTEMATTE

For Paraguay:

For Peru:

J CHAVEZ
Ad referendum

For the Philippine Commonwealth:

MAXIMO KALAW

For Poland:

ST MIKOLAJCZYK

For the Union of South Africa:

P. R. VILJOEN

For the Union of Soviet Socialist Republics:

For the United Kingdom of Great Britain
and Northern Ireland:

On signing the present constitution, I
declare that the acceptance of the consti-

tution by the government of the United Kingdom of Great Britain and Northern Ireland includes all colonies and overseas territories of His Majesty, and all territories under His Majesty's Protection, or in respect of which His Majesty has accepted a mandate from the League of Nations which is being exercised by His Government in the United Kingdom.

ROGER MAKINS

For the United States of America:

CLINTON P. ANDERSON

For Uruguay:

Ad referendum of legislative ratification
in accordance with the corresponding
constitutional provisions [translation].

JUAN FELIPE YRIART

For Venezuela:

The Plenipotentiary of Venezuela signed
the present agreement ad referendum and
therefore it will not become effective with
respect to Venezuela until ratified by the
public powers of the nation in accordance
with Venezuelan constitutional procedure.

M A FALCÓN-BRICEÑO

For Yugoslavia:

CENTRAL COMMISSION OF THE RHINE: UNITED STATES PARTICIPATION

*Exchange of notes at London October 4 and 29 and November 5,
1945*

Entered into force November 5, 1945

*Terminated as to the United States December 31, 1964*¹

60 Stat. 1932; Treaties and Other
International Acts Series 1571

*The British Secretary of State for Foreign Affairs to the American
Ambassador*

FOREIGN OFFICE, S. W. 1
4th October, 1945

No. W 12978/142/803

Immediate

YOUR EXCELLENCY,

As Your Excellency is aware, informal discussions have recently taken place in London between representatives of the Governments of the United Kingdom, United States, France, Belgium and the Netherlands regarding the urgent need for the immediate coordination of all activities undertaken with a view to restoring navigation on the Rhine. As a result of these discussions the representatives agreed to recommend to their Governments that the necessary steps should be taken to invite the Central Commission of the Rhine to resume its functions without delay on an emergency and interim basis. It was, of course, understood that the resumption by the Commission of its pre-war functions would in no way prejudice the future determination of the permanent regime of the Rhine.

2. The above mentioned representatives also recommended that while the Commission operated on an interim basis it should include a representative of the United States Government. They proposed, for the consideration of the Governments concerned, either that the Allied military authorities controlling German riparian territory should be represented at the meetings of

¹ Pursuant to notice of withdrawal given Nov. 27, 1964.

the Commission by liaison officers or that the Commission should include a representative of the Allied Control Commission in Germany. Lastly, they proposed that all the Governments and bodies represented on the Commission should have an equal voice in its decisions.

3. I have the honour to enquire whether Your Excellency's Government are prepared to endorse these recommendations and to propose that, in the event of all the Governments concerned signifying their agreement, His Majesty's Government should on their behalf address a communication to the Chairman of the Central Commission of the Rhine inviting him to summon a meeting of the Commission at an early date.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

N. J. A. CHEETHAM

His Excellency

The Honourable

JOHN G. WINANT,

etc., etc., etc.,

1, Grosvenor Square,

W.1.

*The American Ambassador to the British Secretary of State
for Foreign Affairs*

No. 5028

LONDON, October 29, 1945

SIR:

I am instructed by my Government to acknowledge your note of October 4 and to say that the United States Government will be prepared to participate in the Central Commission of the Rhine on the following assumptions:

1. The United States will participate in the Central Commission of the Rhine on an equal basis as all other participating States, it being understood that each State will have one representative and one vote, and that the decisions of the Commission shall be taken on the basis of a majority of the members present and voting.

2. The United States will pay an equal share of the expenses of the Commission on the assumption that the expenses will be kept to a minimum necessary to enable the Commission to discharge its agreed functions.

3. The United States Government believes that it might eventually be desirable to have a representative of the Allied Control Commission in Germany on the Central Commission of the Rhine. However, in order to expedite the establishment of the Commission at the earliest possible date, the United

States accepts the alternative that the Allied Military authorities controlling German riparian territory should be represented at the meetings of the Commission by liaison officers.

4. It is understood that the Central Commission of the Rhine will be established on a purely provisional basis without prejudice to the conclusion of negotiations by the interested Governments for the establishment of a permanent regime. It is also understood that the Commission will exercise the powers and functions accorded to the pre-war Rhine Commission by the Conventions of 1868 and 1919² and that it will coordinate its activities with ECITO.³

The Government hopes that it may be possible for the Commission to convene at an early moment in order that it may render its assistance to the task of restoring navigation on this important means of communication.

Accept, Sir, the renewed assurances of my highest consideration.

For the Ambassador:

W. J. GALLMAN

Minister Counselor

The Right Honorable

ERNEST BEVIN, M.P.,

Secretary of State for Foreign Affairs,

The Foreign Office, S.W.1.

*The British Secretary of State for Foreign Affairs to the American
Ambassador*

FOREIGN OFFICE, S.W.1

5th November, 1945

No. W 14390/142/803

Immediate

YOUR EXCELLENCY,

In your note No. 5028 of 29th October, Your Excellency was so good as to inform me that the United States Government had agreed to the proposal that steps should be taken to invite the Central Commission of the Rhine to resume its functions on an emergency and interim basis and with the participation of a representative of the United States Government.

2. I now have the honour to inform Your Excellency that the Belgian and Netherlands Governments and the French Provisional Government have also agreed to the above proposal and are of the opinion that in present circumstances the Allied military authorities controlling German riparian

² See arts. 354-362 of the Treaty of Versailles, *ante*, vol. 2, p. 217.

³ European Central Inland Transport Organization; see EAS 494, *ante*, p. 1265.

territory should be represented at the meetings of the Commission by liaison officers.

3. His Majesty's Government are accordingly requesting the French Provisional Government to invite the President of the Commission to summon a meeting at an early date.⁴

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

R. A. GALLOP

His Excellency

The Honourable

JOHN G. WINANT,

etc., etc., etc.,

1, Grosvenor Square, W.1.

⁴ The Central Commission of the Rhine met at Strasbourg Dec. 12, 1945. The countries represented were: Belgium, France, the Netherlands, Switzerland, the United Kingdom, and the United States. The Federal Republic of Germany on Apr. 15, 1950, accepted an invitation to membership on the Commission.

ATOMIC ENERGY

Agreed declaration signed at Washington November 15, 1945

Entered into force November 15, 1945

60 Stat. 1479; Treaties and Other
International Acts Series 1504

AGREED DECLARATION BY THE PRESIDENT OF THE UNITED STATES, THE PRIME MINISTER OF THE UNITED KINGDOM, AND THE PRIME MINISTER OF CANADA

The President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Canada, have issued the following statement.

1. We recognize that the application of recent scientific discoveries to the methods and practice of war has placed at the disposal of mankind means of destruction hitherto unknown, against which there can be no adequate military defence, and in the employment of which no single nation can in fact have a monopoly.

2. We desire to emphasize that the responsibility for devising means to ensure that the new discoveries shall be used for the benefit of mankind, instead of as a means of destruction, rests not on our nations alone, but upon the whole civilized world. Nevertheless, the progress that we have made in the development and use of atomic energy demands that we take an initiative in the matter, and we have accordingly met together to consider the possibility of international action:

(a) To prevent the use of atomic energy for destructive purposes

(b) To promote the use of recent and future advances in scientific knowledge, particularly in the utilization of atomic energy, for peaceful and humanitarian ends.

3. We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war. No system of safeguards that can be devised will of itself provide an effective guarantee against production of atomic weapons by a nation bent on aggression. Nor can we ignore the possibility of the development of other weapons, or of new methods of warfare, which may constitute as great a threat to civilization as the military use of atomic energy.

4. Representing as we do, the three countries which possess the knowledge essential to the use of atomic energy, we declare at the outset our willingness, as a first contribution, to proceed with the exchange of fundamental scientific information and the interchange of scientists and scientific literature for peaceful ends with any nation that will fully reciprocate.

5. We believe that the fruits of scientific research should be made available to all nations, and that freedom of investigation and free interchange of ideas are essential to the progress of knowledge. In pursuance of this policy, the basic scientific information essential to the development of atomic energy for peaceful purposes has already been made available to the world. It is our intention that all further information of this character that may become available from time to time shall be similarly treated. We trust that other nations will adopt the same policy, thereby creating an atmosphere of reciprocal confidence in which political agreement and cooperation will flourish.

6. We have considered the question of the disclosure of detailed information concerning the practical industrial application of atomic energy. The military exploitation of atomic energy depends, in large part, upon the same methods and processes as would be required for industrial uses.

We are not convinced that the spreading of the specialized information regarding the practical application of atomic energy, before it is possible to devise effective, reciprocal, and enforceable safeguards acceptable to all nations, would contribute to a constructive solution of the problem of the atomic bomb. On the contrary we think it might have the opposite effect. We are, however, prepared to share, on a reciprocal basis with others of the United Nations, detailed information concerning the practical industrial application of atomic energy just as soon as effective enforceable safeguards against its use for destructive purposes can be devised.

7. In order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a Commission should be set up under the United Nations Organization to prepare recommendations for submission to the Organization.

The Commission should be instructed to proceed with the utmost dispatch and should be authorized to submit recommendations from time to time dealing with separate phases of its work.

In particular the Commission should make specific proposals:

(a) For extending between all nations the exchange of basic scientific information for peaceful ends,

(b) For control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

(c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction,

(d) For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

8. The work of the Commission should proceed by separate stages, the successful completion of each one of which will develop the necessary confidence of the world before the next stage is undertaken. Specifically it is considered that the Commission might well devote its attention first to the wide exchange of scientists and scientific information, and as a second stage to the development of full knowledge concerning natural resources of raw materials.

9. Faced with the terrible realities of the application of science to destruction, every nation will realize more urgently than before the overwhelming need to maintain the rule of law among nations and to banish the scourge of war from the earth. This can only be brought about by giving wholehearted support to the United Nations Organization, and by consolidating and extending its authority, thus creating conditions of mutual trust in which all peoples will be free to devote themselves to the arts of peace. It is our firm resolve to work without reservation to achieve these ends.

The City of Washington

HARRY S. TRUMAN
President of the United States

C. R. ATTLEE
Prime Minister of the United Kingdom

W. L. MACKENZIE KING
Prime Minister of Canada

THE WHITE HOUSE
November 15, 1945

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION: PREPAR- ATORY COMMISSION

Instrument of agreement signed at London November 16, 1945

Entered into force November 16, 1945

*Commission ceased to exist December 7, 1946, upon assumption of office
of Director-General*

59 Stat. 1883; Executive Agreement Series 506

INSTRUMENT ESTABLISHING A PREPARATORY EDUCATIONAL, SCIENTIFIC AND CULTURAL COMMISSION

The Governments represented at the United Nations Educational and Cultural Conference in London,

Having determined that an international organisation to be known as the United Nations Educational, Scientific and Cultural Organisation shall be established, and

Having formulated the Constitution of the United Nations Educational, Scientific and Cultural Organisation,¹

Agree as follows:

1. Pending the coming into force of the Constitution and the establishment of the Organisation provided for therein, there shall be established a Preparatory Commission to make arrangements for the first Session of the General Conference of the Organisation, and to take such other steps as are indicated below.

2. For this purpose the Commission shall:

(a) Convoke the First Session of the General Conference.

(b) Prepare the provisional agenda for the First Session of the General Conference and prepare documents and recommendations relating to all matters on the agenda including such matters as the possible transfer of functions, activities and assets of existing international agencies, the specific arrangements between this Organisation and the United Nations Organisa-

¹ TIAS 1580, *post*, p. 1311.

tion, and arrangements for the Secretariat of the Organisation and the appointment of its Director-General.

(c) Make studies and prepare recommendations concerning the programme and the budget of the Organisation for presentation to the General Conference at its First Session.

(d) Provide without delay for immediate action on urgent needs of educational, scientific, and cultural reconstruction in devastated countries as indicated in Paragraphs 6 and 7.

3. The Commission shall consist of one representative of each of the Governments signatory to this Instrument.

4. The Commission shall appoint an Executive Committee composed of fifteen members to be selected at the first meeting of the Commission. The Executive Committee shall exercise any or all powers of the Commission as the Commission may determine.

5. The Commission shall establish its own rules of procedure and shall appoint such other committees and consult with such specialists as may be desirable to facilitate its work.

6. The Commission shall appoint a special technical sub-committee to examine the problems relating to the educational, scientific and cultural needs of the countries devastated by the war, having regard to the information already collected and the work being done by other international organisations, and to prepare as complete a conspectus as possible of the extent and nature of the problems for the information of the Organisation at the First Session of the Conference.

7. When the technical sub-committee is satisfied that any ameliorative measures are immediately practicable to meet any educational, scientific or cultural needs it shall report to the Commission accordingly and the Commission shall, if it approves, take steps to bring such needs to the attention of governments, organisations, and persons wishing to assist by contributing money, supplies or services in order that co-ordinated relief may be given either directly by the donors to the countries requiring aid or indirectly through existing international relief organisations.

8. The Commission shall appoint an Executive Secretary who shall exercise such powers and perform such duties as the Commission may determine, with such international staff as may be required. The staff shall be composed as far as possible of officials and specialists made available for this purpose by the participating Governments on the invitation of the Executive Secretary.

9. The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Commission.

10. The Commission shall hold its first meeting in London immediately after the conclusion of the present Conference and shall continue to sit in London until such time as the Constitution of the Organisation has come into

force. The Commission shall then transfer to Paris where the permanent Organisation is to be located.

11. During such period as the Commission is in London, the expenses of its maintenance shall be met by the Government of the United Kingdom on the understanding:

(1) that the amount of the expenses so incurred will be deducted from the contributions of that Government to the new Organisation until they have been recovered, and

(2) that it will be open to the Commission, if circumstances so warrant, to seek contributions from other governments.

When the Commission is transferred to Paris, the financial responsibility will pass to the French Government on the same terms.

12. The Commission shall cease to exist upon the assumption of office of the Director-General of the Organisation, at which time its property and records shall be transferred to the Organisation.

13. The Government of the United Kingdom shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the English and French languages. The Government of the United Kingdom shall transfer the original to the Director-General on his assumption of office.

14. This Instrument shall be effective as from this date, and shall remain open for signature on behalf of the States entitled to be the original Members of the United Nations Educational, Scientific and Cultural Organisation, until the Commission is dissolved in accordance with paragraph 12.

In faith whereof, the undersigned representatives having been duly authorised for that purpose, have signed this Instrument in the English and French languages, both texts being equally authentic.

Done in London the Sixteenth day of November, 1945, in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the States Members of the United Nations.

Argentine Republic
CONRAD TRAVERSO

Australia

Belgium
A. BUISSERET

Bolivia
C. SALAMANCA

Brazil
MONIZ DE ARAGAO

The Byelorussian Soviet Socialist Republic

Canada
VINCENT MASSEY

Chile
FRANCISCO WALKER LINARES

China
HU SHIH

Colombia
J. J. ARANGO

Costa Rica

Cuba
LUIS MARINO PÉREZ

Czechoslovakia
JAN OPOČENSKY

Denmark
ALB. MICHELSEN

Dominican Republic
A. PASTORIZA

Ecuador
ALB. PUIG

Egypt
A. FATTAH AH. AMR.

El Salvador

Ethiopia

France

Greece
TH. AGHNIDES

Guatemala
M. GALICH

Haiti
LÉON LALEAU

Honduras

India
JOHN SARGENT

Iran
A. A. HEKMAT

Iraq
NAJI AL ASIL

Lebanon
CAMILLE CHAMOUN

Liberia
J. W. PEARSON

Luxembourg
A. ALS

Mexico
J. T. BODET

The Netherlands
V. D. LEEUW

New Zealand
ARNOLD E. CAMPBELL

Nicaragua
ERNESTO SELVA

Norway
NILS HJELMTVEIT

Panama
E. A. MORALES

Paraguay

Peru
E. LETTS

The Philippines
MAXIMO M. KALAW

Poland
BERNARD DRZEWIESKI

Saudi Arabia
HAFIZ WAHBA

Syria
N. ARMANAZI

Turkey
YÜCEL

The Ukrainian Soviet Socialist Republic

The Union of South Africa
G. HEATON NICHOLLS

The Union of Soviet Socialist Republics

The United Kingdom of Great Britain and
Northern Ireland
ELLEN WILKINSON

The United States of America
ARCHIBALD MACLEISH

Uruguay
R. E. MACEACHEN

Venezuela
A. RODRIGUEZ AZPURUA

Yugoslavia
Dr. LJUBO LEONTIC

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Constitution done at London November 16, 1945

Signed for the United States and instrument of acceptance of the United States deposited at London September 30, 1946

Entered into force November 4, 1946

Amended by resolutions of the UNESCO General Conference adopted December 1, 1947, December 10, 1948, October 5, 1949, June 15, 1950, July 11, 1951, December 11, 1952, November 22, 1954, December 8, 1954, November 10, 1956, December 3, 1958, and November 15, 1962¹

61 Stat. 2495; Treaties and Other
International Acts Series 1580

CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION

The Governments of the States Parties to This Constitution on Behalf of
Their Peoples

DECLARE

that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

that ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

that the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute

¹ For amendments of 1947-1952 and 1958, see 10 UST 959; TIAS 4230. For 1954 amendments, see 6 UST 6157; TIAS 3469. For 1956 amendments, see 8 UST 1395; TIAS 3889. For 1962 amendments, see 18 UST 1670; TIAS 6311.

a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern;

that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

FOR THESE REASONS,

the States parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

IN CONSEQUENCE WHEREOF

they do hereby create the United Nations Educational, Scientific and Cultural Organisation for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organisation was established and which its Charter² proclaims.

ARTICLE I

Purposes and Functions

1. The purpose of the Organisation is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realise this purpose the Organisation will:

(a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) give fresh impulse to popular education and to the spread of culture; by collaborating with Members, at their request, in the development of educational activities;

² TS 993, *ante*, p. 1153.

by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organisation, the Organisation is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

ARTICLE II

Membership

1. Membership of the United Nations Organisation shall carry with it the right to membership of the United Nations Educational, Scientific and Cultural Organisation.

2. Subject to the conditions of the agreement between this Organisation and the United Nations Organisation, approved pursuant to Article X of this Constitution, States not members of the United Nations Organisation may be admitted to membership of the Organisation, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference.

3. Members of the Organisation which are suspended from the exercise of the rights and privileges of membership of the United Nations Organisation shall, upon the request of the latter, be suspended from the rights and privileges of this Organisation.

4. Members of the Organisation which are expelled from the United Nations Organisation shall automatically cease to be members of this Organisation.

ARTICLE III

Organs

The Organisation shall include a General Conference, an Executive Board and a Secretariat.

ARTICLE IV

*The General Conference**A. Composition*

1. The General Conference shall consist of the representatives of the States Members of the Organisation. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

B. Functions

2. The General Conference shall determine the policies and the main lines of work of the Organisation. It shall take decisions on programmes drawn up by the Executive Board.

3. The General Conference shall, when it deems it desirable, summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted.

5. The General Conference shall advise the United Nations Organisation on the educational, scientific and cultural aspects of matters of concern to the latter, in accordance with the terms and procedure agreed upon between the appropriate authorities of the two Organisations.

6. The General Conference shall receive and consider the reports submitted periodically by Member States as provided by Article VIII.

7. The General Conference shall elect the members of the Executive Board and, on the recommendation of the Board, shall appoint the Director-General.

C. Voting

8. Each Member State shall have one vote in the General Conference. Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitution. A majority shall be a majority of the Members present and voting.

D. Procedure

9. The General Conference shall meet annually in ordinary session; it may meet in extraordinary session on the call of the Executive Board. At each session the location of its next session shall be designated by the General Conference and shall vary from year to year.

10. The General Conference shall, at each session, elect a President and other officers and adopt rules of procedure.

11. The General Conference shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes.

12. The General Conference shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

E. Observers

13. The General Conference, on the recommendation of the Executive Board and by a two-thirds majority may, subject to its rules of procedure, invite as observers at specified sessions of the Conference or of its commissions representatives of international organisations, such as those referred to in Article XI, paragraph 4.

ARTICLE V

Executive Board

A. Composition

1. The Executive Board shall consist of eighteen members elected by the General Conference from among the delegates appointed by the Member States, together with the President of the Conference who shall sit *ex officio* in an advisory capacity.

2. In electing the members of the Executive Board the General Conference shall endeavour to include persons competent in the arts, the humanities, the sciences, education and the diffusion of ideas, and qualified by their experience and capacity to fulfil the administrative and executive duties of the Board. It shall also have regard to the diversity of cultures and a balanced geographical distribution. Not more than one national of any Member State shall serve on the Board at any one time, the President of the Conference excepted.

3. The elected members of the Executive Board shall serve for a term of three years, and shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms. At the first election eighteen members shall be elected of whom one third shall retire at the end of the first year and one third at the end of the second year, the order of retirement being determined immediately after the election by the drawing of lots. Thereafter six members shall be elected each year.

4. In the event of the death or resignation of one of its members, the Executive Board shall appoint, from among the delegates of the Member

State concerned, a substitute, who shall serve until the next session of the General Conference which shall elect a member for the remainder of the term.

B. Functions

5. The Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference and shall prepare its agenda and programme of work.

6. The Executive Board shall recommend to the General Conference the admission of new Members to the Organisation.

7. Subject to decisions of the General Conference, the Executive Board shall adopt its own rules of procedure. It shall elect its officers from among its members.

8. The Executive Board shall meet in regular session at least twice a year and may meet in special session if convoked by the Chairman on his own initiative or upon the request of six members of the Board.

9. The Chairman of the Executive Board shall present to the General Conference, with or without comment, the annual report of the Director-General on the activities of the Organisation, which shall have been previously submitted to the Board.

10. The Executive Board shall make all necessary arrangements to consult the representatives of international organisations or qualified persons concerned with questions within its competence.

11. The members of the Executive Board shall exercise the powers delegated to them by the General Conference on behalf of the Conference as a whole and not as representatives of their respective Governments.

ARTICLE VI

Secretariat

1. The Secretariat shall consist of a Director-General and such staff as may be required.

2. The Director-General shall be nominated by the Executive Board and appointed by the General Conference for a period of six years, under such conditions as the Conference may approve, and shall be eligible for re-appointment. He shall be the chief administrative officer of the Organisation.

3. The Director-General, or a deputy designated by him, shall participate, without the right to vote, in all meetings of the General Conference, of the Executive Board, and of the committees of the Organisation. He shall formulate proposals for appropriate action by the Conference and the Board.

4. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the General Conference. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible.

5. The responsibilities of the Director-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organisation. They shall refrain from any action which might prejudice their position as international officials. Each State Member of the Organisation undertakes to respect the international character of the responsibilities of the Director-General and the staff, and not to seek to influence them in the discharge of their duties.

6. Nothing in this Article shall preclude the Organisation from entering into special arrangements within the United Nations Organisation for common services and staff and for the interchange of personnel.

ARTICLE VII

National Co-operating Bodies

1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organisation, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

2. National Commissions or national co-operating bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Conference and to their Governments in matters relating to the Organisation and shall function as agencies of liaison in all matters of interest to it.

3. The Organisation may, on the request of a Member State, delegate, either temporarily or permanently, a member of its Secretariat to serve on the National Commission of that State, in order to assist in the development of its work.

ARTICLE VIII

Reports by Member States

Each Member State shall report periodically to the Organisation, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4.

ARTICLE IX

Budget

1. The budget shall be administered by the Organisation.

2. The General Conference shall approve and give final effect to the budget and to the apportionment of financial responsibility among the States Members of the Organisation subject to such arrangement with the United

Nations as may be provided in the agreement to be entered into pursuant to Article X.

3. The Director-General, with the approval of the Executive Board, may receive gifts, bequests, and subventions directly from governments, public and private institutions, associations and private persons.

ARTICLE X

Relations with the United Nations Organisation

This Organisation shall be brought into relation with the United Nations Organisation, as soon as practicable, as one of the specialised agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through an agreement with the United Nations Organisation under Article 63 of the Charter, which agreement shall be subject to the approval of the General Conference of this Organisation. The agreement shall provide for effective co-operation between the two Organisations in the pursuit of their common purposes, and at the same time shall recognise the autonomy of this Organisation, within the fields of its competence as defined in this Constitution. Such agreement may, among other matters, provide for the approval and financing of the budget of the Organisation by the General Assembly of the United Nations.

ARTICLE XI

Relations with other specialised international Organisations and agencies

1. This Organisation may co-operate with other specialised intergovernmental organisations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organisations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organisations or agencies shall be subject to the approval of the Executive Board.

2. Whenever the General Conference of this Organisation and the competent authorities of any other specialised inter-governmental organisations or agencies whose purposes and functions lie within the competence of this Organisation, deem it desirable to effect a transfer of their resources and activities to this Organisation, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for this purpose.

3. This Organisation may make appropriate arrangements with other intergovernmental organisations for reciprocal representation at meetings.

4. The United Nations Educational, Scientific and Cultural Organisation may make suitable arrangements for consultation and co-operation with non-

governmental international organisations concerned with matters within its competence, and may invite them to undertake specific tasks. Such co-operation may also include appropriate participation by representatives of such organisations on advisory committees set up by the General Conference.

ARTICLE XII

Legal status of the Organisation

The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Organisation.

ARTICLE XIII

Amendments

1. Proposals for amendments to this Constitution shall become effective upon receiving the approval of the General Conference by a two-thirds majority; provided, however, that those amendments which involve fundamental alterations in the aims of the Organisation or new obligations for the Member States shall require subsequent acceptance on the part of two-thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the Director-General to the Member States at least six months in advance of their consideration by the General Conference.

2. The General Conference shall have power to adopt by a two-thirds majority rules of procedure for carrying out the provisions of this Article.

ARTICLE XIV

Interpretation

1. The English and French texts of this Constitution shall be regarded as equally authoritative.

2. Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference may determine under its rules of procedure.

ARTICLE XV

Entry into force

1. This Constitution shall be subject to acceptance. The instruments of acceptance shall be deposited with the Government of the United Kingdom.

2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.

3. This Constitution shall come into force when it has been accepted by twenty of its signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the United Kingdom will inform all members of the United Nations of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.

In faith whereof, the undersigned, duly authorised to that effect, have signed this Constitution in the English and French languages, both texts being equally authentic.

Done in London the sixteenth day of November, 1945 in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the Members of the United Nations.

Argentine Republic
CONRADO TRAVERSO

Australia

Belgium
A. BUISSET

Bolivia
C. SALAMANCA

Brazil
MONIZ DE ARAGAO

The Byelorussian Soviet Socialist Republic

Canada
VINCENT MASSEY

Chile
FRANCISCO WALKER LINARES

China
HU SHIH

Colombia
J. J. ARANGO

Costa Rica

Cuba
LUIS MARINO PÉREZ

Czechoslovakia
JAN OPOCENSKY

Denmark
ALB. MICHELSEN

The Dominican Republic
A. PASTORIZA

Ecuador
ALB. PUIG

Egypt
A. FATTAH AH. AMR

El Salvador

Ethiopia

France

Greece
TH. AGHNIDES

Guatemala
M. GALICH

Haiti
LEON LALEAU

Honduras

India
JOHN SARGENT

Iran
A. A. HEKMAT

Iraq
NAJI AL ASIL

Lebanon
CAMILLE CHAMOUN

Liberia
J. W. PEARSON

Luxembourg
A. ALS

Mexico
J. T. BODET

The Netherlands
V. D. LEEUW

New Zealand

Nicaragua
ERNESTO SELVA

Norway
NILS HJELMTVEIT

Panama
E. A. MORALES

Paraguay

Peru
E. LETTS

The Philippines
MAXIMO M. KALAW

Poland
BERNARD DRZEWIESKI

Saudi Arabia
HAFIZ WAHBA

Syria
N. ARMANAZI

Turkey
YÜCEL

The Ukrainian Soviet Socialist Republic

The Union of South Africa
G. HEATON NICHOLLS

The Union of Soviet Socialist Republics

The United Kingdom of Great Britain
and Northern Ireland
ELLEN WILKINSON

The United States of America

Uruguay
R. E. MACEACHEN

Venezuela
A. RODRIGUEZ ASPURUA

Yugoslavia
DR. LJUBO LEONTIC

MINE CLEARANCE IN EUROPEAN WATERS

*Agreement signed at London November 22, 1945, with appendix
Entered into force November 22, 1945*

Department of State files

POST WAR MINE CLEARANCE IN EUROPEAN WATERS

The attached document has been agreed between us as the basis of an international organisation for the clearance of mines in European Waters. The representatives of the United States, France and Great Britain have already been authorised to accept this document on behalf of their respective Governments.

S. BRYKIN
*Engineer Rear Admiral
Soviet Navy*

R. F. PRYCE
*Captain
United States Navy*

A. SALA
*Rear Admiral
French Navy*

E. L. S. KING
*Vice Admiral
Royal Navy*

INTERNATIONAL ORGANISATION FOR THE CLEARANCE OF MINES IN EUROPEAN WATERS

The following organisation for the clearance of mines in European waters after the defeat of Germany has been drawn up with a view to meeting the needs of all interested maritime Powers by providing an international machinery for the direction of policy and general control of mine clearance operations. It is hoped that by these measures mines will be cleared with equal thoroughness and expedition in all European Waters.

Division of European waters into zones

2. The European waters to be cleared shall be divided into four zones:—

- (i) An East Atlantic zone
- (ii) A Mediterranean zone
- (iii) A Barents, Baltic and Black Sea zone
- (iv) A Kattegat, Baltic Straits and their Approaches zone

These zones shall be divided into areas and sub-areas, the clearance of which shall be allocated to the interested littoral and other naval powers under the direction of Boards set up in accordance with paragraph 7 below. The recommended limits of these zones are given at Appendix A.

International Central Mine Clearance Board

3. Mine clearance in European waters shall be controlled and co-ordinated by an International Central Mine Clearance Board, under the presidency of a British Naval Officer and consisting of representatives of France, U.S.S.R., U.K. and U.S.A.

4. Each member of the Central Board shall be responsible for consulting his Government as he may deem necessary and shall have the right to insist that the confirmation of his Government is required before any particular action contemplated by the Central Board affecting its interests is taken.

5. At all stages during the preparation of plans for mine clearance, and until completion of the task, the Central Board shall refer to the Allied Naval Authorities as deemed necessary and shall in particular consult the Supreme Allied Commanders and the Allied Commission of Control on their special requirements. In their dealings with capitulated powers, the Central Board, and the zone Boards referred to below, shall communicate with them through the appropriate Supreme Allied Commander or Allied Commission of Control.

6. The functions of the Central Board shall be:

(a) to draw up a general plan of mine clearance in the European waters taking into account ships, manpower and minesweeping equipment (minesweeping forces) required, and to ascertain for this purpose available resources of both the Allied and neutral countries concerned and the defeated powers.

(b) to lay down the precise limits of the zones in European waters and to adjust these limits only if at any time this should be necessary.

(c) to set up and direct the Zone Mine Clearance Boards referred to in paragraph 7.

(d) to set up the Central Mine Clearance Intelligence Office referred to in paragraph 13.

(e) to direct, through the Zone Clearance Boards, the general policy of mine clearance in European waters.

(f) to apportion, in the light of the mine clearance commitment of each zone, the available minesweeping forces between the zones at the beginning of mine clearance, and to re-allocate minesweeping forces from one zone to another should it at any time appear desirable, provided that such re-allocation would be without detriment to the first zone.

(g) to give guidance to the Zone Boards in determining the areas of specified responsibility referred to in paragraph 7(a).

(h) to specify the acceptable scale of mine clearance, essential for safe navigation.

(i) to promulgate reports on experience gained in the course of operations.

NOTE: It is assumed that, under the terms of the instruments of surrender, all enemy minesweeping forces will be taken over and held at the disposal of the United Nations.

Zone Mine Clearance Boards

7. There shall be set up within each zone a Zone Mine Clearance Board, responsible to the Central Board, with the following functions:

(a) to divide the zone into sub-areas and to assign the responsibility for the clearance of sub-areas among the Powers involved; to re-adjust the limits of these sub-areas only if at any time this adjustment should be necessary.

(b) to direct the general policy of mine clearance within the zone, while leaving the executive control of minesweeping forces in the hands of the individual Power responsible for each sub-area. But the direct control in the clearance of sub-areas for which surrendered countries are responsible shall be exercised by the Supreme Allied Commander or the Allied Commission of Control.

(c) to determine the responsibility of the capitulated Powers in the clearance of waters within the zone.

(d) to allocate minesweeping forces assigned to the zone by the Central Board to Powers represented on the Zone Board who have not sufficient minesweeping forces with which to clear the sub-area for which they are responsible.

(e) at the outset of mine clearance to collect full intelligence of all mines laid within the zone and throughout the work of clearance to collect and collate reports on the progress and operations; and to transmit this intelligence without delay to the Central Mine Clearance Intelligence Office.

(f) to co-ordinate the mine clearance plans of the Powers responsible for clearance within the zone and to ensure that priorities of common interest, such as the fairways of navigation are observed.

(g) to ensure that the standard of mine clearance specified by the Central Board is observed.

(h) to transmit to the Central Board and to promulgate within the zone reports on the experience gained in the course of operations.

NOTE: For the purpose of the preceding paragraphs, the term "mine-sweeping forces" should be taken to include minesweeping vessels, aircraft used in the search for mines, minesweeping equipment, ancillary vessels and gear, maintenance facilities and other resources used in minesweeping, together with the personnel to man or operate them.

East Atlantic Zone Board

8. The East Atlantic Zone Board shall consist of members representing Belgium, Canada, Denmark, France, Holland, Norway, U.S.S.R., and the U.K. under the Presidency of a British Naval Officer. A representative of Germany shall be summoned to attend as required by the Board to give information and to receive directions. Eire, Iceland, Portugal, Spain and Sweden, shall be invited to send observers to the Board.

Mediterranean Zone Board

9. The Mediterranean Zone Board shall consist of members representing France, Greece, U.S.S.R., the U.K., U.S.A., and Yugoslavia under the Presidency of a British Naval Officer. Representatives of Germany and Italy shall be summoned to attend as required by the Board to give information and receive directions. Egypt, Portugal, Spain, and Turkey shall be invited to send observers to the Board.

Barents, Baltic and Black Seas Zone Board

10. The Barents, Baltic and Black Seas Zone Board shall consist of members representing Denmark, Norway, Poland, U.S.S.R. and U.K., under the Presidency of a Soviet Naval Officer. Representatives of Bulgaria, Finland, Germany, Italy and Roumania shall be summoned to attend as required by the Board, to give information and to receive directions. Sweden and Turkey shall be invited to send observers to the Board. The Soviet Government considers the Danube to belong to the Zone of the Barents, Baltic and Black Seas and it has already carried out a considerable amount of minesweeping of the river.

Kattegat, Baltic Straits and their Approaches Zone Board

11. The Kattegat, Baltic Straits and their Approaches Zone Board shall consist of members representing Denmark, Norway, Poland, the U.S.S.R., and the U.K. The Presidency of this Board shall be held for alternate periods by a British and Soviet Naval Officer. A representative of Germany shall be summoned to attend as required by the Board to give information and to receive instructions. Sweden shall be invited to send an observer to the Board.

Allocation of Responsibility within the Zones

12. The allocation of responsibility within the Zones is a matter for the decision of the respective Zone Boards. Each Power will undertake the clearance of its own coastal waters and, in addition, an adjoining area in the open sea in proportion to the minesweeping forces available or made available to it.

The Intelligence Office of the Central Board

13. The Central Mine Clearance Board shall establish a Central International Intelligence Office for the evaluation and promulgation of mine clearance intelligence. It shall consist of an Executive Committee and an Administrative Section. The Executive Committee will consist of represent-

atives of members of the Central Board. The organisation of the Administrative Section will be undertaken by the British Admiralty. To secure close liaison between the Executive Committee and the Administrative Section, the Senior Officer of the Administrative Section will also be a member of the Executive Committee.

14. Mine clearance intelligence from the zones, after collation by the Zone Boards will be received by the Central International Intelligence Office in the name of the Central Board. Information so received will be plotted by the Administrative Section for examination and evaluation by the Executive Committee, and will be promulgated by the Administrative Section in accordance with the Executive Committee's decisions.

15. The maritime Powers shall be invited to appoint representatives in London, who might normally be officers at their Embassies, Legations, Consulates or High Commissioners' Offices, with whom the Intelligence Office may have direct contact. On receipt of intelligence from the Zone Boards the Office shall, with as little delay as possible, distribute "Mine Warnings to Mariners" to these representatives for onward transmission to their respective Governments.

16. The Office shall be responsible for its work to the Central Board.

APPENDIX "A"

Limits of Zones in European Waters

The limits of the zones shall be as follows:—

- | | | |
|--------------------------------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>East Atlantic Zone</i> | (i) | The Eastern boundaries of the East Atlantic Zone shall be a line running approximately along the meridian of North Cape (Nordkapp) (25° 47' East approximately) to the coast of Norway; the Scandinavian coast to the Norwegian-Swedish frontier; a line joining the Norwegian-Swedish frontier to tip of the Skaw; the Western shores of Europe to Cape St. Vincent; and a line joining Cape St. Vincent and Cape Blanco (North) (33°09' North) (8°38' West). The Western boundary of the East Atlantic Zone shall be the dividing line between the British and American strategic areas. |
| <i>Mediterranean Zone</i> | (ii) | The Western boundary of the Mediterranean Zone shall be a line joining Cape St. Vincent and Cape Blanco; at its Eastern end the Zone shall exclude the territorial waters of Turkey. |
| <i>Barents, Baltic and Black Seas Zone</i> | (iii) | The Western boundary of the Barents Sea area shall coincide with the Eastern boundary of the |

East Atlantic Zone North at approximately the meridian of North Cape (Nordkapp).

- (iv) The boundary between the Baltic Sea area and the Kattegat and Baltic Approaches Zone shall be a line drawn from Ystad (Sweden) to the vicinity of Lubeck.
- (v) The Black Sea area shall exclude the Bosphorus and the territorial waters of Turkey.
- (vi) The Western boundary of the Kattegat, Baltic Straits and their Approaches Zone shall be a line joining the Northern tip of the Skaw to the frontier of Norway and Sweden. The Eastern boundary shall coincide with the Western boundary of the Baltic Sea area.

*Kattegat, Baltic
Straits and their
Approaches Zone*

REGULATION OF WHALING

Protocol signed at London November 26, 1945, amending and extending agreement of June 8, 1937, as amended

Senate advice and consent to ratification July 30, 1946

Ratified by the President of the United States August 12, 1946

Ratification of the United States deposited at London August 30, 1946

Entered into force with respect to articles 2, 3, 4, 6(1), 6(2), 7, and 8 April 4, 1946; for the United States August 30, 1946

Entered into force in its entirety (in accordance with terms of supplementary protocol of March 3, 1947¹) March 3, 1947; for the United States August 1, 1947

Articles 2, 3, 4, 6(1), 6(2), 7, and 8 proclaimed by the President of the United States February 10, 1947

Extended by protocol of December 2, 1946;² supplemented by protocols of March 15, 1946,³ and March 3, 1947¹

Expired at end of 1947/48 whaling season⁴

61 Stat. 1213; Treaties and Other
International Acts Series 1597

PROTOCOL

THE Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the international Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937⁵ (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938⁶ (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice

¹ TIAS 1634, *post*, vol. 4.

² TIAS 1708, *post*, vol. 4.

³ British Treaty Series 44 (1946). The United States did not become a party.

⁴ The whaling season is defined in art. 1 as covering the period from Dec. 8 to Apr. 7 inclusive.

⁵ TS 933, *ante*, p. 455.

⁶ TS 944, *ante*, p. 519.

to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47;

Have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of hump back whales in any waters south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4

(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals—

- (a) Two fin whales or
- (b) Two and a half hump back whales or
- (c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said

Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before the 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

ARTICLE 5

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whalecatcher," "land station," "baleen whale," "blue whale," "hump back whale," "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of *balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6(1), 6(2) and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and the Protocol of 1938.

ARTICLE 9

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorised to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

For the Government of the Union of South
Africa:

A. P. VAN DER POST

For the Government of the Commonwealth
of Australia:

J. S. DUNCAN

For the Government of Canada:

VINCENT MASSEY

For the Government of Denmark:

P. F. ERICHSEN

For the Provisional Government of the
French Republic:

NOËL HENRY

For the Government of the United Mexican
States:

ALFONSO DE ROSENZWEIG DIAZ

For the Government of Norway:

E. TEIXEIRA DE MATTOS

For the Government of New Zealand:

R. M. CAMPBELL

For the Government of Norway:

BIRGER BERGERSEN

For the Government of the United King-
dom of Great Britain and Northern
Ireland:

A. T. A. DOBSON

J. E. DE WATTEVILLE

For the Government of the United States of
America:

REMINGTON KELLOGG

IRA N. GABRIELSON

TELECOMMUNICATION: BERMUDA AGREEMENT

*Signed at Bermuda December 4, 1945, with annex and protocol
Notification of United States approval communicated to the United
Kingdom at London March 15, 1946*

Entered into force March 29, 1946

Replaced February 24, 1950 by agreement of August 12, 1949¹

60 Stat. 1636; Treaties and Other
International Acts Series 1518

AGREEMENT BY THE GOVERNMENTS REPRESENTED AT THE BERMUDA TELECOMMUNICATIONS CONFERENCE 1945

The Delegations of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, Union of South Africa, India, and Southern Rhodesia, assembled in Conference in Bermuda from November 21 to December 4, 1945, have reached agreement as follows:

ARTICLE I. RADIOTELEGRAPH CIRCUITS

Section 1. Existing direct radiotelegraph circuits

(i) *United Kingdom:* The circuits between the United States and the United Kingdom shall be retained, subject to examination as to the number required and to consultation between the two Governments before any of these circuits is discontinued.

(ii) *Australia, New Zealand and India:* One circuit shall be retained between the United States and each of these countries.

(iii) *Bermuda:* Both circuits between the United States and Bermuda may be retained, subject to the agreement of the Government of Bermuda.

(iv) *The Gambia, the Gold Coast and British Guiana:* The circuits between the United States and these British Colonies shall be discontinued.

Section 2. New direct radiotelegraph circuits

(i) *South Africa:* The Governments of the United States and of the Union of South Africa shall promptly undertake a joint study to determine whether traffic and other conditions justify the establishment of a direct circuit between the two countries.

¹ 3 UST 2686; TIAS 2435.

(ii) *Jamaica*: One direct circuit shall be established between the United States and Jamaica, subject to the agreement of the Government of Jamaica.

(iii) *Palestine*: One direct circuit shall be established between the United States and Palestine, subject to the agreement of the Palestine Government.

(iv) *Ceylon, Federated Malay States (Singapore) and Hong Kong*: The Government of the United Kingdom in consultation with the authorities of the territories concerned, shall undertake a study to determine whether traffic or other conditions warrant the establishment of direct circuits between the United States and Ceylon, the Federated Malay States (Singapore) and Hong Kong respectively.

Section 3. General considerations

The signatory Governments agree to present, for the consideration of the next International Telecommunications Conference, a statement, along the lines set forth in Annex A, relating to the general factors governing the establishment of direct radiotelegraph circuits.

Section 4. Exclusive arrangements

The signatory Governments shall neither support nor approve efforts by telecommunications companies subject to their respective jurisdictions to prevent or obstruct the establishment of direct circuits between the United States or British Commonwealth points and other countries, and will take such steps as may be appropriate to discourage any such efforts.

Section 5. Transit traffic

The traffic normally handled over direct radiotelegraph circuits shall be restricted to traffic originating in and destined for the countries between which the circuits are operated. This does not preclude the use of such circuits as "voies de secours" in emergency. Transit traffic may be handled over direct radiotelegraph circuits in any case where it is agreed that it would otherwise be subject to excessive delay.

ARTICLE II. TELEGRAPH RATES

Section 6. Ceiling rates

(i) The ceiling rate between the United States on the one hand and the countries of the British Commonwealth on the other shall be 30 cents or 1s. 6d. per ordinary full rate word.

(ii) The ceiling rate between the United States on the one hand and the countries of the British Commonwealth on the other shall be 20 cents or 1s. per word for code (CDE) telegrams.

(iii) For categories of telegrams charged at lower rates, the existing international proportions of the ordinary rate shall be maintained.

(iv) These arrangements shall not involve any increase in existing rates.

Section 7. Press rates

(i) The ceiling rate for Press traffic between the United States and the countries of the British Commonwealth shall be 6-½ cents or 4d. per ordinary word. No rate already below this ceiling of 6-½ cents or 4d. per word shall be increased.

Note: The existing Press rate within the British Commonwealth of 1d. per ordinary word may be extended to press traffic between the countries of the British Commonwealth and any other country.

Section 8. Terminal and transit charges

(i) The terminal and transit charges for traffic to which the ceiling rate of 30 cents or 1s. 6d. per ordinary full rate word applies shall be uniform.

(ii) For the purposes of applying these charges countries shall be classified in two categories, as follows:

(a) Countries of extensive area, such as Canada, Australia, India, South Africa, and the Continental United States.

(b) All other countries.

(iii) For traffic to which the ceiling rate applies, the terminal and transit charges for an ordinary full rate word shall be:

(a) A terminal charge of 4 cents or 2½d. for countries in category (a) and 2-½ cents or 1½d. for countries in category (b).

(b) A transit charge of 3-¾ cents or 2d. for countries in category (a) and 1-¾ cents or 1d. for countries in category (b).

(iv) Terminal and transit charges for other classifications of traffic shall be proportional to the charges collected.

(v) No terminal or transit charge shall exceed the charges prescribed in paragraphs (iii) and (iv) above. Subject to this provision, existing terminal and transit charges at rates below the proposed new ceiling shall be maintained pending review by the interested parties.

(vi) Terminal and transit charges shall be regarded as payments for services rendered. The terminal charges are payable for traffic originating in or destined for a country. The transit charges are payable for traffic carried across the territory of a country for onward transmission beyond that country. All terminal and transit charges shall be included in the ceiling rate and shall not be additional thereto.

(vii) These arrangements shall not involve any increase in existing terminal and transit charges.

Note: Provided the charges accruing to the other international carriers are not affected, the division of the charges between an inter-

national carrier and its corresponding domestic carrier shall be of no concern to the other international carriers.

Section 9. Division of tolls

(i) In the case of direct radiotelegraph circuits, the portion of the tolls remaining after deduction of terminal and transit charges shall be divided equally between the transmitting and receiving organisations.

(ii) Reductions in payments for services over indirect routes resulting from the introduction of reduced rates shall be borne by those concerned in the same proportion as the present charges are now divided.

(iii) The application of paragraphs (i) and (ii) of this Section to existing contracts and the specific arrangements to give effect to them shall be considered by the parties concerned.

Section 10. Currency

In view of the fact that the gold franc system of telegraph charges and accounting is unsatisfactory in present conditions, the fixing of tariffs and the settlement of accounts between the United States and the countries of the British Commonwealth shall be governed by the following general principles:

(i) The tariffs shall be drawn up in dollars and in sterling, and the tariffs so expressed shall be approximately equivalent at \$4.03 to £1.

(ii) In the event of an alteration in the average of the buying and selling rates for telegraphic transfer of dollars and sterling by more than 2 per cent from \$4.03 to £1, arrangements shall be made promptly, at the request of any country, for consultation on the adjustment of tariffs, which shall be drawn up in dollars and sterling and which shall be approximately equivalent at an agreed rate of exchange.

(iii) In any country other than the United States and the United Kingdom, the schedule of charges in local currency for messages shall at all times be the approximate equivalent of the tariffs drawn up in dollars and in sterling at the average of the buying and selling rates for telegraphic transfers of the currency in terms of dollars or sterling. Minor fluctuations in the exchange rates shall not of themselves require a modification of the schedule of charges in local currency. In fixing collection charges in its local currency, a country shall be entitled to vary the precise equivalent of the dollar-sterling tariff to the nearest convenient unit.

(iv) The balance due as between the parties concerned shall be calculated in accordance with the tariffs drawn up in dollars and sterling, and settlement shall be made in the currency of the country of the creditor party on the basis of \$4.03 to £1. In the case of a request for consultation in accordance with paragraph (ii) of this Section, obligations incurred prior to the date of such request shall be settled on the basis of \$4.03 to £1. The basis of settlement of balances arising in

respect of the period between the date of such request and the date when new tariffs as provided in paragraph (ii) of this Section become effective shall be a matter for agreement between the parties concerned. On and after the date when new tariffs become effective settlement shall be made on the basis of the new agreed dollar-sterling rate of exchange.

(v) In extending to other countries the new ceiling rate of 30 cents or 1s.6d. the United States and the countries of the British Commonwealth shall seek to achieve the establishment of a tariff drawn up on a dollar-sterling basis or, failing agreement on the part of the other country to adopt that basis, of tariffs giving effect as far as practicable to the principles underlying the dollar-sterling basis.

(vi) Should the International Monetary Fund provided for in the Bretton Woods Agreements be established, any necessary modifications in the provisions above should be considered by the authorities concerned.

Section 11. Effective date

The arrangements provided in this Article shall be brought into force as soon as possible and not later than April 1st 1946. So far as practicable they shall be introduced as from a common date.

Note: All references in this Article to dollars and cents, and to pounds, shillings and pence, are to United States and United Kingdom currencies respectively.

ARTICLE III. PRESS COMMUNICATIONS

Section 12. Private point to point channels for Press

Private channels for point to point press traffic shall be provided where the available channels are sufficient. Charges may be based on time, words, or cost, whichever may be agreed upon by the parties concerned.

Section 13. Reception of multiple address press radiocommunications

(i) The reception of press radio communications addressed to multiple destinations and transmitted from the United States or the countries of the British Commonwealth shall be permitted within their respective territories in all cases where the recipients are authorised by the sender to receive such communications.

(ii) The Governments of the United States and of the United Kingdom and Canada will permit within their respective territories the private reception of such communications either through the recipients' own radio receiving installation or through other private installations. In the United Kingdom such permission may be conditional on the service not being offered to third parties except in the case of recognised news agencies.

(iii) The Governments of Australia, New Zealand, South Africa, India and the United Kingdom on behalf of her colonies will arrange for the reception of such communications through the respective telegraph administrations and will retain the power to exercise their discretion as to the granting of permission to private recipients for the reception of such communications through their own installations or through other private installations.

Note: The position of Southern Rhodesia under Section 13 is reserved.

ARTICLE IV. CABLES

Section 14. (i) In order to secure the optimum development of telecommunication services, and in view of the important strategic role which cables as well as radio play in a coordinated telecommunications system, research and development work in both cable and radio communication shall be fostered and promoted. The use of improvements such as submarine repeaters and multi-channel operation shall wherever possible be encouraged.

(ii) Inasmuch as the trans-Atlantic cables form an integral part of a world telecommunication system, uniform procedures and techniques shall be adopted in their operation. The present arrangements for mutual consultation and co-operative action with respect to the trans-Atlantic cables shall be continued.

ARTICLE V. STANDARDISATION

Section 15. The Governments of the British Commonwealth shall support a recommendation, to be made by the United States Government, to the International Telegraph Consultative Committee (CCIT) and the International Consultative Committee for Radiocommunications (CCIR) on the question of standardisation of modern Telecommunication methods along the following lines:

In order to further the development and wide-spread use of modern telecommunication systems susceptible to interconnection and interchange of messages and in the interests of conservation of the radio frequency spectrum, it is proposed that the CCIT study the establishment of a standardised switching system for international telegraph communications based upon a standard five unit code of operation.

Further, it is proposed that the CCIR study the establishment of standards for:

- (a) Carrier shift operation for single channel telegraph circuits.
- (b) Multi-tone operation for multi-channel telegraph circuits.
- (c) Performance specifications for phototelegraphic equipment to provide for inter-working, including modulation equipment for radio transmissions.

ARTICLE VI. GENERAL PROVISIONS

Section 16. Consultation

(i) The parties to this Agreement shall consult on all matters coming within its purview.

(ii) The parties to this Agreement shall, at the earliest stage, advise one another regarding all intended changes in rates on routes of interest to one another.

Section 17. Acceptance

By their approval of this Agreement, all Governments will accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate, subject to any necessary reservations. The United States will endeavour to obtain the adherence of the Commonwealth of the Philippines to this Agreement.

Section 18. Entry into force

This Agreement shall come into force as between the several signatory Governments upon the receipt by the United Kingdom Government of the respective notifications of their approval. The United Kingdom Government shall on receipt of such notifications inform all other signatory Governments.

JAMES CLEMENT DUNN

PAUL A. PORTER

GEORGE P. BAKER

(on behalf of the Delegation of the United States)

W. RAYMOND BIRCHALL

RODNEY A. GALLOP

R. J. P. HARVEY

(on behalf of the Delegation of the United Kingdom)

F. H. SOWARD

WALTER A. RUSH

(on behalf of the Delegation of Canada)

S. H. WITT

(on behalf of the Delegation of Australia)

W. W. SHAW-ZAMBRA

Secretary of the Conference

Belmont Manor Hotel

Bermuda

4th December, 1945

P. N. CRYER

(on behalf of the Delegation of New Zealand)

E. C. SMITH

(on behalf of the Delegation of the Union of South Africa)

G. V. BEWOOR

(on behalf of the Delegation of India)

W. RAYMOND BIRCHALL

(on behalf of the Delegation of Southern Rhodesia)

ANNEX A

General Conditions Governing the Establishment of Direct Radiotelegraph Circuits

(i) The desirability of establishing any direct radio circuit between two countries is a matter involving a judgment on its merits by the Governments of both the countries concerned. It is essential that conditions, particularly economic conditions, and the requirements of the users, at both ends of a proposed circuit should be fully considered in each case.

(ii) The governing conditions for the establishment of direct radio circuits are those of traffic and service, with the expeditious disposal of traffic as the main objective.

(iii) The existence of both radio and cables is essential in the general interest of world telecommunications as a whole. Provision of direct radio circuits should therefore have regard to existing channels of communication.

(iv) It is recognised that in certain cases a circuit might be deemed necessary for political reasons.

PROTOCOL BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF THE UNITED STATES OF AMERICA COVERING EXCLUSIVE TELECOMMUNICATIONS ARRANGEMENTS

The United Kingdom and United States Delegations agree that:

1. The United Kingdom Government will inform the Saudi Arabian Government that they understand that the United States Government are anxious that the Saudi Arabian Government should modify their agreement with the Eastern Telegraph Company in such a way as to permit of the erection by a United States Company of a radiotelegraph station, to be the property of the Saudi Arabian Government, for the purpose of operating a direct radiotelegraph circuit between Saudi Arabia and the United States, and that if the Saudi Arabian Government wish to avail themselves of this offer, the United Kingdom Government would not wish the agreement between the Eastern Telegraph Company and the Saudi Arabian Government to stand in their way. It is understood that the question of any further modifications of the concession required to permit of the operation of other direct radiotelegraph circuits by the Saudi Arabian Government would be for determination by the latter.

2. Should the Greek and United States Governments desire to establish a direct radiotelegraph circuit between their two countries, the United

Kingdom Government will agree to promote the establishment of such a circuit as soon as the new United Kingdom body succeeds to the rights and obligations of Cable and Wireless Limited.

3. Should the United Kingdom Government desire to open direct radiotelegraph circuits with any countries with which United States companies may have exclusive arrangements, the United States Government will use their good offices with the United States companies and the Governments concerned to meet these requests.

4. Should it hereafter appear that any companies under the jurisdiction of the United Kingdom or the United States Governments hold exclusive arrangements in countries other than those referred to above, and should the United Kingdom or United States Government, as the case may be, desire to see established direct radiotelegraph circuits with such countries, the other Government will use their good offices with their companies and the Governments concerned to this end.

5. All direct radiotelegraph circuits set up under this Protocol shall, subject to the concurrence of the Governments concerned, be open to transit traffic only on the conditions set out in the Agreement signed at the Bermuda Telecommunications Conference 1945.

JAMES CLEMENT DUNN

PAUL A. PORTER

GEORGE P. BAKER

(on behalf of the Delegation of the
United States)

W. RAYMOND BIRCHALL

RODNEY A. GALLOP

R. J. P. HARVEY

(on behalf of the Delegation of the
United Kingdom)

W. W. SHAW-ZAMBRA

Secretary of the Conference

Belmont Manor Hotel

Bermuda

4th December, 1945

MOSCOW MEETING OF COUNCIL OF FOREIGN MINISTERS, 1945

*Communique and report signed at Moscow December 27, 1945*¹

60 Stat. 1899; Treaties and Other
International Acts Series 1555

COMMUNIQUE ON THE MOSCOW CONFERENCE OF THE THREE FOREIGN MINISTERS

The Foreign Ministers of the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America met in Moscow from December 16 to December 26, 1945, in accordance with the decision of the Crimea Conference,² confirmed at the Berlin Conference,³ that there should be periodic consultation between them. At the meeting of the three Foreign Ministers, discussions took place on an informal and exploratory basis and agreement was reached on the following questions:

Dec. 27/45

JAMES F. BYRNES
ERNEST BEVIN
V. MOLOTOV

REPORT OF THE MEETING OF THE MINISTERS OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM

At the meeting which took place in Moscow from December 16 to December 26, 1945 of the Ministers of Foreign Affairs of the Union of Soviet Socialist Republics, the United States of America and the United Kingdom, agreement was reached on the following questions:

I. PREPARATION OF PEACE TREATIES WITH ITALY, RUMANIA, BULGARIA, HUNGARY AND FINLAND

As announced on the 24th of December, 1945, the Governments of the Soviet Union, the United Kingdom and the United States have agreed and

¹ The Foreign Ministers of the United States, the United Kingdom, and the Soviet Union met at Moscow from Dec. 16 to 26, 1945.

² *Ante*, pp. 1011 and 1019.

³ *Ante*, p. 1207.

have requested the adherence of the Governments of France and China to the following procedure with respect to the preparation of peace treaties:

1. In the drawing up by the Council of Foreign Ministers of treaties of peace with Italy, Rumania, Bulgaria, Hungary, and Finland, only members of the Council who are, or under the terms of the Agreement establishing the Council of Foreign Ministers adopted at the Berlin Conference are deemed to be, signatory of the Surrender Terms, will participate, unless and until the Council takes further action under the Agreement to invite other members of the Council to participate on questions directly concerning them. That is to say:

A) the terms of the peace treaty with Italy will be drafted by the Foreign Ministers of the United Kingdom, the United States, the Soviet Union and France;

B) the terms of the peace treaties with Rumania, Bulgaria, and Hungary by the Foreign Ministers of the Soviet Union, the United States and the United Kingdom;

C) the terms of the peace treaty with Finland by the Foreign Ministers of the Soviet Union and the United Kingdom.

The Deputies of the Foreign Ministers will immediately resume their work in London on the basis of understandings reached on the questions discussed at the first plenary session of the Council of Foreign Ministers in London.

2. When the preparation of all these drafts has been completed, the Council of Foreign Ministers will convoke a conference for the purpose of considering treaties of peace with Italy, Rumania, Bulgaria, Hungary and Finland. The conference will consist of the five members of the Council of Foreign Ministers together with all members of the United Nations which actively waged war with substantial military force against European enemy states, namely: Union of Soviet Socialist Republics, United Kingdom, United States of America, China, France, Australia, Belgium, Belorussian Soviet Socialist Republic, Brazil, Canada, Czechoslovakia, Ethiopia, Greece, India, the Netherlands, New Zealand, Norway, Poland, Union of South Africa, Yugoslavia, Ukrainian Soviet Socialist Republic. The conference will be held not later than May 1, 1946.⁴

3. After the conclusion of the deliberations of the conference and upon consideration of its recommendations the States signatory to the terms of armistice with Italy, Rumania, Bulgaria, Hungary and Finland—France being regarded as such for the purposes of the peace treaty with Italy—will draw up final texts of peace treaties.

4. The final texts of the respective peace treaties as so drawn up will be

⁴ The Paris Conference was convened on July 29, 1946, to consider the peace treaties with Italy, Romania, Bulgaria, Hungary, and Finland.

signed by representatives of the States represented at the conference which are at war with the enemy states in question. The texts of the respective peace treaties will then be submitted to the other United Nations which are at war with the enemy states in question.

5. The peace treaties will come into force immediately after they have been ratified by the Allied States signatory to the respective armistices, France being regarded as such in the case of the peace treaty with Italy. These treaties are subject to ratification by the enemy states in question.

II. FAR EASTERN COMMISSION AND ALLIED COUNCIL FOR JAPAN

A. FAR EASTERN COMMISSION

Agreement was reached, with the concurrence of China, for the establishment of a Far Eastern Commission to take the place of the Far Eastern Advisory Commission. The Terms of Reference for the Far Eastern Commission are as follows:

I. Establishment of the Commission

A Far Eastern Commission is hereby established composed of the representatives of the Union of Soviet Socialist Republics, United Kingdom, United States, China, France, the Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth.

II. Functions

A. The functions of the Far Eastern Commission shall be:

1. To formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender⁵ may be accomplished.

2. To review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission.

3. To consider such other matters as may be assigned to it by agreement among the participating Governments reached in accordance with the voting procedure provided for in Article V-2 hereunder.

B. The Commission shall not make recommendations with regard to the conduct of military operations nor with regard to territorial adjustments.

C. The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan⁶ and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander's command of occupation forces.

⁵ EAS 493, *ante*, p. 1251.

⁶ *Post*, p. 1345.

III. Functions of the United States Government

1. The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency. The Supreme Commander shall be charged with the implementation of the directives which express the policy decisions of the Commission.

2. If the Commission decides that any directive or action reviewed in accordance with Articles II-A-2 should be modified, its decision shall be regarded as a policy decision.

3. The United States Government may issue interim directives to the Supreme Commander pending action by the Commission whenever urgent matters arise not covered by policies already formulated by the Commission; provided that any directives dealing with fundamental changes in the Japanese constitutional structure or in the regime of control, or dealing with a change in the Japanese Government as a whole will be issued only following consultation and following the attainment of agreement in the Far Eastern Commission.

4. All directives issued shall be filed with the Commission.

IV. Other Methods of Consultation

The establishment of the Commission shall not preclude the use of other methods of consultation on Far Eastern issues by the participating Governments.

V. Composition

1. The Far Eastern Commission shall consist of one representative of each of the States party to this agreement. The membership of the Commission may be increased by agreement among the participating Powers as conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein. The Commission shall provide for full and adequate consultations, as occasion may require, with representatives of the United Nations not members of the Commission in regard to matters before the Commission which are of particular concern to such nations.

2. The Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China.

VI. Location and Organization

1. The Far Eastern Commission shall have its headquarters in Washington. It may meet at other places as occasion requires, including Tokyo, if and when it deems it desirable to do so. It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers.

2. Each representative on the Commission may be accompanied by an appropriate staff comprising both civilian and military representation.

3. The Commission shall organize its secretariat, appoint such committees as may be deemed advisable, and otherwise perfect its organization and procedure.

VII. Termination

The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China.⁷ Prior to the termination of its functions the Commission shall transfer to any interim or permanent security organization of which the participating governments are members those functions which may appropriately be transferred.

It was agreed that the Government of the United States on behalf of the four Powers should present the Terms of Reference to the other Governments specified in Article I and invite them to participate in the Commission on the revised basis.

B. ALLIED COUNCIL FOR JAPAN

The following agreement was also reached, with the concurrence of China, for the establishment of an Allied Council for Japan:

1. There shall be established an Allied Council with its seat in Tokyo under the chairmanship of the Supreme Commander for the Allied Powers (or his Deputy) for the purpose of consulting with and advising the Supreme Commander in regard to the implementation of the Terms of Surrender, the occupation and control of Japan, and of directives supplementary thereto; and for the purpose of exercising the control authority herein granted.

2. The membership of the Allied Council shall consist of the Supreme Commander (or his Deputy) who shall be Chairman and United States member; a Union of Soviet Socialist Republics member; a Chinese member; and a member representing jointly the United Kingdom, Australia, New Zealand, and India.

3. Each member shall be entitled to have an appropriate staff consisting of military and civilian advisers.

4. The Allied Council shall meet not less often than once every two weeks.

5. The Supreme Commander shall issue all orders for the implementation of the Terms of Surrender, the occupation and control of Japan, and directives supplementary thereto. In all cases action will be carried out under and through the Supreme Commander who is the sole executive authority for the Allied Powers in Japan. He will consult and advise with the Council in

⁷ The Far Eastern Commission ceased to function Apr. 28, 1952, upon entry into force of the treaty of peace with Japan (3 UST 3169; TIAS 2490).

advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling.

6. If, regarding the implementation of policy decisions of the Far Eastern Commission on questions concerning a change in the regime of control, fundamental changes in the Japanese constitutional structure, and a change in the Japanese Government as a whole, a member of the Council disagrees with the Supreme Commander (or his Deputy), the Supreme Commander will withhold the issuance of orders on these questions pending agreement thereon in the Far Eastern Commission.

7. In cases of necessity the Supreme Commander may take decisions concerning the change of individual ministers of the Japanese Government, or concerning the filling of vacancies created by the resignation of individual cabinet members, after appropriate preliminary consultation with the representatives of the other Allied Powers on the Allied Council.

III. KOREA

1. With a view to the re-establishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, there shall be set up a provisional Korean democratic government which shall take all the necessary steps for developing the industry, transport and agriculture of Korea and the national culture of the Korean people.

2. In order to assist the formation of a provisional Korean government and with a view to the preliminary elaboration of the appropriate measures, there shall be established a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea. In preparing their proposals the Commission shall consult with the Korean democratic parties and social organizations. The recommendations worked out by the Commission shall be presented for the consideration of the Governments of the Union of Soviet Socialist Republics, China, the United Kingdom and the United States prior to final decision by the two Governments represented on the Joint Commission.

3. It shall be the task of the Joint Commission, with the participation of the provisional Korean democratic government and of the Korean democratic organizations to work out measures also for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea.

The proposals of the Joint Commission shall be submitted, following consultation with the provisional Korean Government for the joint consideration of the Governments of the United States, Union of Soviet Socialist Republics, United Kingdom and China for the working out of an agreement

concerning a four-power trusteeship of Korea for a period of up to five years.

4. For the consideration of urgent problems affecting both southern and northern Korea and for the elaboration of measures establishing permanent coordination in administrative-economic matters between the United States command in southern Korea and the Soviet command in northern Korea, a conference of the representatives of the United States and Soviet commands in Korea shall be convened within a period of two weeks.

IV. CHINA

The three Foreign Secretaries exchanged views with regard to the situation in China. They were in agreement as to the need for a unified and democratic China under the National Government, for broad participation by democratic elements in all branches of the National Government, and for a cessation of civil strife. They reaffirmed their adherence to the policy of non-interference in the internal affairs of China.

Mr. Molotov and Mr. Byrnes had several conversations concerning Soviet and American armed forces in China.

Mr. Molotov stated that the Soviet forces had disarmed and deported Japanese troops in Manchuria but that withdrawal of Soviet forces had been postponed until February 1st at the request of the Chinese Government.

Mr. Byrnes pointed out that American forces were in north China at the request of the Chinese Government, and referred also to the primary responsibility of the United States in the implementation of the Terms of Surrender with respect to the disarming and deportation of Japanese troops. He stated that American forces would be withdrawn just as soon as this responsibility was discharged or the Chinese Government was in a position to discharge the responsibility without the assistance of American forces.

The two Foreign Secretaries were in complete accord as to the desirability of withdrawal of Soviet and American forces from China at the earliest practicable moment consistent with the discharge of their obligations and responsibilities.

V. RUMANIA

The three Governments are prepared to give King Michael the advice for which he has asked in his letter of August 21, 1945, on the broadening of the Rumanian Government. The King should be advised that one member of the National Peasant Party and one member of the Liberal Party should be included in the Government. The Commission referred to below shall satisfy itself that

(a) they are truly representative members of the groups of the Parties not represented in the Government;

(b) they are suitable and will work loyally with the Government.

The three Governments take note that the Rumanian Government thus

reorganized should declare that free and unfettered elections will be held as soon as possible on the basis of universal and secret ballot. All democratic and anti-fascist parties should have the right to take part in these elections and to put forward candidates. The reorganized Government should give assurances concerning the grant of freedom of the press, speech, religion and association.

A. Y. Vyshinski, Mr. Harriman, and Sir A. Clark Kerr are authorized as a Commission to proceed to Bucharest immediately to consult with King Michael and members of the present Government with a view to the execution of the above-mentioned tasks.

As soon as these tasks are accomplished and the required assurances have been received, the Government of Rumania, with which the Soviet Government maintains diplomatic relations, will be recognized by the Government of the United States of America and the Government of the United Kingdom.

VI. BULGARIA

It is understood by the three Governments that the Soviet Government takes upon itself the mission of giving friendly advice to the Bulgarian Government with regard to the desirability of the inclusion in the Bulgarian Government of the Fatherland Front, now being formed, of an additional two representatives of other democratic groups, who (a) are truly representative of the groups of the parties which are not participating in the Government, and (b) are really suitable and will work loyally with the Government.

As soon as the Governments of the United States of America and the United Kingdom are convinced that this friendly advice has been accepted by the Bulgarian Government and the said additional representatives have been included in its body, the Government of the United States and the Government of the United Kingdom will recognize the Bulgarian Government, with which the Government of the Soviet Union already has diplomatic relations.

VII. THE ESTABLISHMENT BY THE UNITED NATIONS OF A COMMISSION FOR THE CONTROL OF ATOMIC ENERGY

Discussion of the subject of atomic energy related to the question of the establishment of a commission by the General Assembly of the United Nations. The Ministers of Foreign Affairs of the Union of Soviet Socialist Republics, the United States of America, and the United Kingdom have agreed to recommend, for the consideration of the General Assembly of the United Nations, the establishment by the United Nations of a commission to consider problems arising from the discovery of atomic energy and related matters. They have agreed to invite the other permanent members of the Security Council, France and China, together with Canada,

to join with them in assuming the initiative in sponsoring the following resolution at the first session of the General Assembly of the United Nations in January 1946:

Resolved by the General Assembly of the United Nations to establish a Commission, with the composition and competence set out hereunder, to deal with the problems raised by the discovery of atomic energy and other related matters.

I. Establishment of the Commission

A Commission is hereby established by the General Assembly with the terms of reference set out under Section V below.

II. Relations of the Commission with the Organs of the United Nations

(a) The Commission shall submit its reports and recommendations to the Security Council, and such reports and recommendations shall be made public unless the Security Council, in the interests of peace and security, otherwise directs. In the appropriate cases the Security Council should transmit these Reports to the General Assembly and the members of the United Nations, as well as to the Economic and Social Council and other Organs within the framework of the United Nations.

(b) In view of the Security Council's primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, the Security Council shall issue directions to the Commission in matters affecting security. On these matters the Commission shall be accountable for its work to the Security Council.

III. Composition of the Commission

The Commission shall be composed of one representative from each of those states represented on the Security Council, and Canada when that state is not a member of the Security Council. Each representative on the Commission may have such assistants as he may desire.

IV. Rules of Procedure

The Commission shall have whatever staff it may deem necessary, and shall make recommendations for its rules of procedure to the Security Council, which shall approve them as a procedural matter.

V. Terms of Reference of the Commission

The Commission shall proceed with the utmost dispatch and inquire into all phases of the problem, and make such recommendations from time to time with respect to them as it finds possible. In particular the Commission shall make specific proposals:

(a) For extending between all nations the exchange of basic scientific information for peaceful ends;

(b) For control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

(c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

(d) For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

The work of the Commission should proceed by separate stages, the successful completion of each of which will develop the necessary confidence of the world before the next stage is undertaken.

The Commission shall not infringe upon the responsibilities of any Organ of the United Nations, but should present recommendations for the consideration of those Organs in the performance of their tasks under the terms of the United Nations Charter.

Dec. 27/45

JAMES F. BYRNES
ERNEST BEVIN
V. MOLOTOV

INTERNATIONAL MONETARY FUND

Articles of agreement formulated at the United Nations Monetary and Financial Conference at Bretton Woods, New Hampshire, July 1–22, 1944, and opened for signature at Washington December 27, 1945; signed for the United States December 27, 1945

Instrument of acceptance of the United States deposited at Washington December 20, 1945

Entered into force December 27, 1945

60 Stat. 1401; Treaties and Other
International Acts Series 1501

ARTICLES OF AGREEMENT OF THE INTERNATIONAL MONETARY FUND ¹

The Governments on whose behalf the present Agreement is signed agree as follows:

INTRODUCTORY ARTICLE

The International Monetary Fund is established and shall operate in accordance with the following provisions:

ARTICLE I

PURPOSES

The purposes of the International Monetary Fund are:

(i) To promote international monetary cooperation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.

(ii) To facilitate the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.

(iii) To promote exchange stability, to maintain orderly exchange arrangements among members, and to avoid competitive exchange depreciation.

¹ For a list of articles and sections, see p. 1388.

(iv) To assist in the establishment of a multilateral system of payments in respect of current transactions between members and in the elimination of foreign exchange restrictions which hamper the growth of world trade.

(v) To give confidence to members by making the Fund's resources available to them under adequate safeguards, thus providing them with opportunity to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity.

(vi) In accordance with the above, to shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members.

The Fund shall be guided in all its decisions by the purposes set forth in this Article.

ARTICLE II

MEMBERSHIP

Section 1. *Original members*

The original members of the Fund shall be those of the countries represented at the United Nations Monetary and Financial Conference whose governments accept membership before the date specified in Article XX, Section 2 (e).

Section 2. *Other members*

Membership shall be open to the governments of other countries at such times and in accordance with such terms as may be prescribed by the Fund.

ARTICLE III

QUOTAS AND SUBSCRIPTIONS

Section 1. *Quotas*

Each member shall be assigned a quota. The quotas of the members represented at the United Nations Monetary and Financial Conference which accept membership before the date specified in Article XX, Section 2 (e), shall be those set forth in Schedule A. The quotas of other members shall be determined by the Fund.

Section 2. *Adjustment of quotas*

The Fund shall at intervals of five years review, and if it deems it appropriate propose an adjustment of, the quotas of the members. It may also, if it thinks fit, consider at any other time the adjustment of any particular quota at the request of the member concerned. A four-fifths majority of the total voting power shall be required for any change in quotas and no quota shall be changed without the consent of the member concerned.

Section 3. *Subscriptions: time, place, and form of payment*

(a) The subscription of each member shall be equal to its quota and shall be paid in full to the Fund at the appropriate depository on or before the date when the member becomes eligible under Article XX, Section 4 (c) or (d), to buy currencies from the Fund.

(b) Each member shall pay in gold, as a minimum, the smaller of

(i) twenty-five percent of its quota; or

(ii) ten percent of its net official holdings of gold and United States dollars as at the date when the Fund notifies members under Article XX, Section 4 (a) that it will shortly be in a position to begin exchange transactions.

Each member shall furnish to the fund the data necessary to determine its net official holdings of gold and United States dollars.

(c) Each member shall pay the balance of its quota in its own currency.

(d) If the net official holdings of gold and United States dollars of any member as at the date referred to in (b)(ii) above are not ascertainable because its territories have been occupied by the enemy, the Fund shall fix an appropriate alternative date for determining such holdings. If such date is later than that on which the country becomes eligible under Article XX, Section 4 (c) or (d), to buy currencies from the Fund, the Fund and the member shall agree on a provisional gold payment to be made under (b) above, and the balance of the member's subscription shall be paid in the member's currency, subject to appropriate adjustment between the member and the Fund when the net official holdings have been ascertained.

Section 4. *Payments when quotas are changed*

(a) Each member which consents to an increase in its quota shall, within thirty days after the date of its consent, pay to the Fund twenty-five percent of the increase in gold and the balance in its own currency. If, however, on the date when the member consents to an increase, its monetary reserves are less than its new quota, the Fund may reduce the proportion of the increase to be paid in gold.

(b) If a member consents to a reduction in its quota, the Fund shall, within thirty days after the date of the consent, pay to the member an amount equal to the reduction. The payment shall be made in the member's currency and in such amount of gold as may be necessary to prevent reducing the Fund's holdings of the currency below seventy-five percent of the new quota.

Section 5. *Substitution of securities for currency*

The Fund shall accept from any member in place of any part of the member's currency which in the judgment of the Fund is not needed for its operations, notes or similar obligations issued by the member or the depository designated by the member under Article XIII, Section 2, which shall be non-

negotiable, non-interest bearing and payable at their par value on demand by crediting the account of the Fund in the designated depository. This Section shall apply not only to currency subscribed by members but also to any currency otherwise due to, or acquired by, the Fund.

ARTICLE IV

PAR VALUES OF CURRENCIES

Section 1. *Expression of par values*

(a) The par value of the currency of each member shall be expressed in terms of gold as a common denominator or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944.

(b) All computations relating to currencies of members for the purpose of applying the provisions of this Agreement shall be on the basis of their par values.

Section 2. *Gold purchases based on par values*

The Fund shall prescribe a margin above and below par value for transactions in gold by members, and no member shall buy gold at a price above par value plus the prescribed margin, or sell gold at a price below par value minus the prescribed margin.

Section 3. *Foreign exchange dealings based on parity*

The maximum and the minimum rates for exchange transactions between the currencies of members taking place within their territories shall not differ from parity.

(i) in the case of spot exchange transactions, by more than one percent; and

(ii) in the case of other exchange transactions, by a margin which exceeds the margin for spot exchange transactions by more than the Fund considers reasonable.

Section 4. *Obligations regarding exchange stability*

(a) Each member undertakes to collaborate with the Fund to promote exchange stability, to maintain orderly exchange arrangements with other members, and to avoid competitive exchange alterations.

(b) Each member undertakes, through appropriate measures consistent with this Agreement, to permit within its territories exchange transactions between its currency and the currencies of other members only within the limits prescribed under Section 3 of this Article. A member whose monetary authorities, for the settlement of international transactions, in fact freely buy and sell gold within the limits prescribed by the Fund under Section 2 of this Article shall be deemed to be fulfilling this undertaking.

Section 5. *Changes in par values*

(a) A member shall not propose a change in the par value of its currency except to correct a fundamental disequilibrium.

(b) A change in the par value of a member's currency may be made only on the proposal of the member and only after consultation with the Fund.

(c) When a change is proposed, the Fund shall first take into account the changes, if any, which have already taken place in the initial par value of the member's currency as determined under Article XX, Section 4. If the proposed change, together with all previous changes, whether increases or decreases,

- (i) does not exceed ten percent of the initial par value, the Fund shall raise no objection,
- (ii) does not exceed a further ten percent of the initial par value, the Fund may either concur or object, but shall declare its attitude within seventy-two hours if the member so requests,
- (iii) is not within (i) or (ii) above, the Fund may either concur or object, but shall be entitled to a longer period in which to declare its attitude.

(d) Uniform changes in par values made under Section 7 of this Article shall not be taken into account in determining whether a proposed change falls within (i), (ii), or (iii) of (c) above.

(e) A member may change the par value of its currency without the concurrence of the Fund if the change does not affect the international transactions of members of the Fund.

(f) The Fund shall concur in a proposed change which is within the terms of (c) (ii) or (c) (iii) above if it is satisfied that the change is necessary to correct a fundamental disequilibrium. In particular, provided it is so satisfied, it shall not object to a proposed change because of the domestic social or political policies of the member proposing the change.

Section 6. *Effect of unauthorized changes*

If a member changes the par value of its currency despite the objection of the Fund, in cases where the Fund is entitled to object, the member shall be ineligible to use the resources of the Fund unless the Fund otherwise determines; and if, after the expiration of a reasonable period, the difference between the member and the Fund continues, the matter shall be subject to the provisions of Article XV, Section 2 (b).

Section 7. *Uniform changes in par values*

Notwithstanding the provisions of Section 5 (b) of this Article, the Fund by a majority of the total voting power may make uniform proportionate changes in the par values of the currencies of all members, provided each such change is approved by every member which has ten percent or more

of the total of the quotas. The par value of a member's currency shall, however, not be changed under this provision if, within seventy-two hours of the Fund's action, the member informs the Fund that it does not wish the par value of its currency to be changed by such action.

Section 8. *Maintenance of gold value of the Fund's assets*

(a) The gold value of the Fund's assets shall be maintained notwithstanding changes in the par or foreign exchange value of the currency of any member.

(b) Whenever (i) the par value of a member's currency is reduced, or (ii) the foreign exchange value of a member's currency has, in the opinion of the Fund, depreciated to a significant extent within that member's territories, the member shall pay to the Fund within a reasonable time an amount of its own currency equal to the reduction in the gold value of its currency held by the Fund.

(c) Whenever the par value of a member's currency is increased, the Fund shall return to such member within a reasonable time an amount in its currency equal to the increase in the gold value of its currency held by the Fund.

(d) The provisions of this Section shall apply to a uniform proportionate change in the par values of the currencies of all members, unless at the time when such a change is proposed the Fund decides otherwise.

Section 9. *Separate currencies within a member's territories*

A member proposing a change in the par value of its currency shall be deemed, unless it declares otherwise, to be proposing a corresponding change in the par value of the separate currencies of all territories in respect of which it has accepted this Agreement under Article XX, Section 2 (g). It shall, however, be open to a member to declare that its proposal relates either to the metropolitan currency alone, or only to one or more specified separate currencies, or to the metropolitan currency and one or more specified separate currencies.

ARTICLE V

TRANSACTIONS WITH THE FUND

Section 1. *Agencies dealing with the Fund*

Each member shall deal with the Fund only through its Treasury, central bank, stabilization fund or other similar fiscal agency and the Fund shall deal only with or through the same agencies.

Section 2. *Limitation on the Fund's operations*

Except as otherwise provided in this Agreement, operations on the account of the Fund shall be limited to transactions for the purpose of supplying a member, on the initiative of such member, with the currency of another

member in exchange for gold or for the currency of the member desiring to make the purchase.

Section 3. *Conditions governing use of the Fund's resources*

(a) A member shall be entitled to buy the currency of another member from the Fund in exchange for its own currency subject to the following conditions:

(i) The member desiring to purchase the currency represents that it is presently needed for making in that currency payments which are consistent with the provisions of this Agreement;

(ii) The Fund has not given notice under Article VII, Section 3, that its holdings of the currency desired have become scarce;

(iii) The proposed purchase would not cause the Fund's holdings of the purchasing member's currency to increase by more than twenty-five percent of its quota during the period of twelve months ending on the date of the purchase nor to exceed two hundred percent of its quota, but the twenty-five percent limitation shall apply only to the extent that the Fund's holdings of the member's currency have been brought above seventy-five percent of its quota if they had been below that amount;

(iv) The Fund has not previously declared under Section 5 of this Article, Article IV, Section 6, Article VI, Section 1, or Article XV, Section 2 (a), that the member desiring to purchase is ineligible to use the resources of the Fund.

(b) A member shall not be entitled without the permission of the Fund to use the Fund's resources to acquire currency to hold against forward exchange transactions.

Section 4. *Waiver of conditions*

The Fund may in its discretion, and on terms which safeguard its interests, waive any of the conditions prescribed in Section 3 (a) of this Article, especially in the case of members with a record of avoiding large or continuous use of the Fund's resources. In making a waiver it shall take into consideration periodic or exceptional requirements of the member requesting the waiver. The Fund shall also take into consideration a member's willingness to pledge as collateral security gold, silver, securities, or other acceptable assets having a value sufficient in the opinion of the Fund to protect its interests and may require as a condition of waiver the pledge of such collateral security.

Section 5. *Ineligibility to use the Fund's resources*

Whenever the Fund is of the opinion that any member is using the resources of the Fund in a manner contrary to the purposes of the Fund, it

shall present to the member a report setting forth the views of the Fund and prescribing a suitable time for reply. After presenting such a report to a member, the Fund may limit the use of its resources by the member. If no reply to the report is received from the member within the prescribed time, or if the reply received is unsatisfactory, the Fund may continue to limit the member's use of the Fund's resources or may, after giving reasonable notice to the member, declare it ineligible to use the resources of the Fund.

Section 6. Purchases of currencies from the Fund for gold

(a) Any member desiring to obtain, directly or indirectly, the currency of another member for gold shall, provided that it can do so with equal advantage, acquire it by the sale of gold to the Fund.

(b) Nothing in this Section shall be deemed to preclude any member from selling in any market gold newly produced from mines located within its territories.

Section 7. Repurchase by a member of its currency held by the Fund

(a) A member may repurchase from the Fund and the Fund shall sell for gold any part of the Fund's holdings of its currency in excess of its quota.

(b) At the end of each financial year of the Fund, a member shall repurchase from the Fund with gold or convertible currencies, as determined in accordance with Schedule B, part of the Fund's holdings of its currency under the following conditions:

(i) Each member shall use in repurchases of its own currency from the Fund an amount of its monetary reserves equal in value to one-half of any increase that has occurred during the year in the Fund's holdings of its currency plus one-half of any increase, or minus one-half of any decrease, that has occurred during the year in the member's monetary reserves. This rule shall not apply when a member's monetary reserves have decreased during the year by more than the Fund's holdings of its currency have increased.

(ii) If after the repurchase described in (i) above (if required) has been made, a member's holdings of another member's currency (or of gold acquired from that member) are found to have increased by reason of transactions in terms of that currency with other members or persons in their territories, the member whose holdings of such currency (or gold) have thus increased shall use the increase to repurchase its own currency from the Fund.

(c) None of the adjustments described in (b) above shall be carried to a point at which

(i) the member's monetary reserves are below its quota, or

(ii) the Fund's holdings of its currency are below seventy-five percent of its quota, or

(iii) the Fund's holdings of any currency required to be used are above seventy-five percent of the quota of the member concerned.

Section 8. *Charges*

(a) Any member buying the currency of another member from the Fund in exchange for its own currency shall pay a service charge uniform for all members of three-fourths percent in addition to the parity price. The Fund in its discretion may increase this service charge to not more than one percent or reduce it to not less than one-half percent.

(b) The Fund may levy a reasonable handling charge on any member buying gold from the Fund or selling gold to the Fund.

(c) The Fund shall levy charges uniform for all members which shall be payable by any member on the average daily balances of its currency held by the Fund in excess of its quota. These charges shall be at the following rates:

(i) *On amounts not more than twenty-five percent in excess of the quota:* no charge for the first three months; one-half percent per annum for the next nine months; and thereafter an increase in the charge of one-half percent for each subsequent year.

(ii) *On amounts more than twenty-five percent and not more than fifty percent in excess of the quota:* an additional one-half percent for the first year; and an additional one-half percent for each subsequent year.

(iii) *On each additional bracket of twenty-five percent in excess of the quota:* an additional one-half percent for the first year; and an additional one-half percent for each subsequent year.

(d) Whenever the Fund's holdings of a member's currency are such that the charge applicable to any bracket for any period has reached the rate of four percent per annum, the Fund and the member shall consider means by which the Fund's holdings of the currency can be reduced. Thereafter, the charges shall rise in accordance with the provisions of (c) above until they reach five percent and failing agreement, the Fund may then impose such charges as it deems appropriate.

(e) The rates referred to in (c) and (d) above may be changed by a three-fourths majority of the total voting power.

(f) All charges shall be paid in gold. If, however, the member's monetary reserves are less than one-half of its quota, it shall pay in gold only that proportion of the charges due which such reserves bear to one-half of its quota, and shall pay the balance in its own currency.

ARTICLE VI

CAPITAL TRANSFERS

Section 1. *Use of the Fund's resources for capital transfers*

(a) A member may not make net use of the Fund's resources to meet a large or sustained outflow of capital, and the Fund may request a member to exercise controls to prevent such use of the resources of the Fund. If, after receiving such a request, a member fails to exercise appropriate controls, the Fund may declare the member ineligible to use the resources of the Fund.

(b) Nothing in this Section shall be deemed

(i) to prevent the use of the resources of the Fund for capital transactions of reasonable amount required for the expansion of exports or in the ordinary course of trade, banking or other business, or

(ii) to affect capital movements which are met out of a member's own resources of gold and foreign exchange, but members undertake that such capital movements will be in accordance with the purposes of the Fund.

Section 2. *Special provisions for capital transfers*

If the Fund's holdings of the currency of a member have remained below seventy-five percent of its quota for an immediately preceding period of not less than six months, such member, if it has not been declared ineligible to use the resources of the Fund under Section 1 of this Article, Article IV, Section 6, Article V, Section 5, or Article XV, Section 2 (a), shall be entitled, notwithstanding the provisions of Section 1 (a) of this Article, to buy the currency of another member from the Fund with its own currency for any purpose, including capital transfers. Purchases for capital transfers under this Section shall not, however, be permitted if they have the effect of raising the Fund's holdings of the currency of the member desiring to purchase above seventy-five percent of its quota, or of reducing the Fund's holdings of the currency desired below seventy-five percent of the quota of the member whose currency is desired.

Section 3. *Controls of capital transfers*

Members may exercise such controls as are necessary to regulate international capital movements, but no member may exercise these controls in a manner which will restrict payments for current transactions or which will unduly delay transfers of funds in settlement of commitments, except as provided in Article VII, Section 3 (b), and in Article XIV, Section 2.

ARTICLE VII

SCARCE CURRENCIES

Section 1. *General scarcity of currency*

If the Fund finds that a general scarcity of a particular currency is developing, the Fund may so inform members and may issue a report setting forth the causes of the scarcity and containing recommendations designed to bring it to an end. A representative of the member whose currency is involved shall participate in the preparation of the report.

Section 2. *Measures to replenish the Fund's holdings of scarce currencies*

The Fund may, if it deems such action appropriate to replenish its holdings of any member's currency, take either or both of the following steps:

(i) Propose to the member that, on terms and conditions agreed between the Fund and the member, the latter lend its currency to the Fund or that, with the approval of the member, the Fund borrow such currency from some other source either within or outside the territories of the member, but no member shall be under any obligation to make such loans to the Fund or to approve the borrowing of its currency by the Fund from any other source.

(ii) Require the member to sell its currency to the Fund for gold.

Section 3. *Scarcity of the Fund's holdings*

(a) If it becomes evident to the Fund that the demand for a member's currency seriously threatens the Fund's ability to supply that currency, the Fund, whether or not it has issued a report under Section 1 of this Article, shall formally declare such currency scarce and shall thenceforth apportion its existing and accruing supply of the scarce currency with due regard to the relative needs of members, the general international economic situation and any other pertinent considerations. The Fund shall also issue a report concerning its action.

(b) A formal declaration under (a) above shall operate as an authorization to any member, after consultation with the Fund, temporarily to impose limitations on the freedom of exchange operations in the scarce currency. Subject to the provisions of Article IV, Sections 3 and 4, the member shall have complete jurisdiction in determining the nature of such limitations, but they shall be no more restrictive than is necessary to limit the demand for the scarce currency to the supply held by, or accruing to, the member in question; and they shall be relaxed and removed as rapidly as conditions permit.

(c) The authorization under (b) above shall expire whenever the Fund formally declares the currency in question to be no longer scarce.

Section 4. *Administration of restrictions*

Any member imposing restrictions in respect of the currency of any other member pursuant to the provisions of Section 3 (b) of this Article shall give sympathetic consideration to any representations by the other member regarding the administration of such restrictions.

Section 5. *Effect of other international agreements on restrictions*

Members agree not to invoke the obligations of any engagements entered into with other members prior to this Agreement in such a manner as will prevent the operation of the provisions of this Article.

ARTICLE VIII

GENERAL OBLIGATIONS OF MEMBERS

Section 1. *Introduction*

In addition to the obligations assumed under other articles of this Agreement, each member undertakes the obligations set out in this Article.

Section 2. *Avoidance of restrictions on current payments*

(a) Subject to the provisions of Article VII, Section 3 (b), and Article XIV, Section 2, no member shall, without the approval of the Fund, impose restrictions on the making of payments and transfers for current international transactions.

(b) Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed consistently with this Agreement shall be unenforceable in the territories of any member. In addition, members may, by mutual accord, cooperate in measures for the purpose of making the exchange control regulations of either member more effective, provided that such measures and regulations are consistent with this Agreement.

Section 3. *Avoidance of discriminatory currency practices*

No member shall engage in, or permit any of its fiscal agencies referred to in Article V, Section 1, to engage in, any discriminatory currency arrangements or multiple currency practices except as authorized under this Agreement or approved by the Fund. If such arrangements and practices are engaged in at the date when this Agreement enters into force the member concerned shall consult with the Fund as to their progressive removal unless they are maintained or imposed under Article XIV, Section 2, in which case the provisions of Section 4 of that Article shall apply.

Section 4. *Convertibility of foreign held balances*

(a) Each member shall buy balances of its currency held by another member if the latter, in requesting the purchase, represents

(i) that the balances to be bought have been recently acquired as a result of current transactions; or

(ii) that their conversion is needed for making payments for current transactions.

The buying member shall have the option to pay either in the currency of the member making the request or in gold.

(b) The obligation in (a) above shall not apply

(i) when the convertibility of the balances has been restricted consistently with Section 2 of this Article, or Article VI, Section 3; or

(ii) when the balances have accumulated as a result of transactions effected before the removal by a member of restrictions maintained or imposed under Article XIV, Section 2; or

(iii) when the balances have been acquired contrary to the exchange regulations of the member which is asked to buy them; or

(iv) when the currency of the member requesting the purchase has been declared scarce under Article VII, Section 3 (a); or

(v) when the member requested to make the purchase is for any reason not entitled to buy currencies of other members from the Fund for its own currency.

Section 5. *Furnishing of information*

(a) The Fund may require members to furnish it with such information as it deems necessary for its operations, including, as the minimum necessary for the effective discharge of the Fund's duties, national data on the following matters:

(i) Official holdings at home and abroad, of (1) gold, (2) foreign exchange.

(ii) Holdings at home and abroad by banking and financial agencies, other than official agencies, of (1) gold, (2) foreign exchange.

(iii) Production of gold.

(iv) Gold exports and imports according to countries of destination and origin.

(v) Total exports and imports of merchandise, in terms of local currency values, according to countries of destination and origin.

(vi) International balance of payments, including (1) trade in goods and services, (2) gold transactions, (3) known capital transactions, and (4) other items.

(vii) International investment position, *i.e.*, investments within the territories of the member owned abroad and investments abroad owned

by persons in its territories so far as it is possible to furnish this information.

(viii) National income.

(ix) Price indices, *i.e.*, indices of commodity prices in wholesale and retail markets and of export and import prices.

(x) Buying and selling rates for foreign currencies.

(xi) Exchange controls, *i.e.*, a comprehensive statement of exchange controls in effect at the time of assuming membership in the Fund and details of subsequent changes as they occur.

(xii) Where official clearing arrangements exist, details of amounts awaiting clearance in respect of commercial and financial transactions, and of the length of time during which such arrears have been outstanding.

(b) In requesting information the Fund shall take into consideration the varying ability of members to furnish the data requested. Members shall be under no obligation to furnish information in such detail that the affairs of individuals or corporations are disclosed. Members undertake, however, to furnish the desired information in as detailed and accurate a manner as is practicable, and, so far as possible, to avoid mere estimates.

(c) The Fund may arrange to obtain further information by agreement with members. It shall act as a centre for the collection and exchange of information on monetary and financial problems, thus facilitating the preparation of studies designed to assist members in developing policies which further the purposes of the Fund.

Section 6. *Consultation between members regarding existing international agreements*

Where under this Agreement a member is authorized in the special or temporary circumstances specified in the Agreement to maintain or establish restrictions on exchange transactions, and there are other engagements between members entered into prior to this Agreement which conflict with the application of such restrictions, the parties to such engagements will consult with one another with a view to making such mutually acceptable adjustments as may be necessary. The provisions of this Article shall be without prejudice to the operation of Article VII, Section 5.

ARTICLE IX

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. *Purposes of Article*

To enable the Fund to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

Section 2. *Status of the Fund*

The Fund shall possess full juridical personality, and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. *Immunity from judicial process*

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4. *Immunity from other action*

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives*

The archives of the Fund shall be inviolable.

Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications*

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Fund

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity.

(ii) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members.

(iii) shall be granted the same treatment in respect of traveling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. *Immunities from taxation*

(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

(i) which discriminates against such obligation or security solely because of its origin; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

Section 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Fund of the detailed action which it has taken.

ARTICLE X

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

The Fund shall cooperate within the terms of this Agreement with any general international organization and with public international organizations having specialized responsibilities in related fields. Any arrangements for such cooperation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article XVII.

ARTICLE XI

RELATIONS WITH NON-MEMBER COUNTRIES

Section 1. *Undertakings regarding relations with non-member countries*

Each member undertakes:

(i) Not to engage in, nor to permit any of its fiscal agencies referred to in Article V, Section 1, to engage in, any transactions with a non-member or with persons in a non-member's territories which would be contrary to the provisions of this Agreement or the purposes of the Fund;

(ii) Not to cooperate with a non-member or with persons in a non-member's territories in practices which would be contrary to the provisions of this Agreement or the purposes of the Fund; and

(iii) To cooperate with the Fund with a view to the application in its territories of appropriate measures to prevent transactions with non-members or with persons in their territories which would be contrary to the provisions of this Agreement or the purposes of the Fund.

Section 2. *Restrictions on transactions with non-member countries*

Nothing in this Agreement shall affect the right of any member to impose restrictions on exchange transactions with non-members or with persons in their territories unless the Fund finds that such restrictions prejudice the interests of members and are contrary to the purposes of the Fund.

ARTICLE XII

ORGANIZATION AND MANAGEMENT

Section 1. *Structure of the Fund*

The Fund shall have a Board of Governors, Executive Directors, a Managing Director and a staff.

Section 2. *Board of Governors*

(a) All powers of the Fund shall be vested in the Board of Governors, consisting of one governor and one alternate appointed by each member in such manner as it may determine. Each governor and each alternate shall serve for five years, subject to the pleasure of the member appointing him, and may be reappointed. No alternate may vote except in the absence of his principal. The Board shall select one of the governors as chairman.

(b) The Board of Governors may delegate to the Executive Directors authority to exercise any powers of the Board, except the power to:

(i) Admit new members and determine the conditions of their admission.

(ii) Approve a revision of quotas.

(iii) Approve a uniform change in the par value of the currencies of all members.

(iv) Make arrangements to cooperate with other international organizations (other than informal arrangements of a temporary or administrative character).

(v) Determine the distribution of the net income of the Fund.

(vi) Require a member to withdraw.

(vii) Decide to liquidate the Fund.

(viii) Decide appeals from interpretations of this Agreement given by the Executive Directors.

(c) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board or called by the Executive Directors. Meetings of the Board shall be called by the Directors whenever requested by five members or by members having one quarter of the total voting power.

(d) A quorum for any meeting of the Board of Governors shall be a majority of the governors exercising not less than two-thirds of the total voting power.

(e) Each governor shall be entitled to cast the number of votes allotted under Section 5 of this Article to the member appointing him.

(f) The Board of Governors may by regulation establish a procedure whereby the Executive Directors, when they deem such action to be in the best interests of the Fund, may obtain a vote of the governors on a specific question without calling a meeting of the Board.

(g) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Fund.

(h) Governors and alternates shall serve as such without compensation from the Fund, but the Fund shall pay them reasonable expenses incurred in attending meetings.

(i) The Board of Governors shall determine the remuneration to be paid to the Executive Directors and the salary and terms of the contract of service of the Managing Director.

Section 3. *Executive Directors*

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Fund, and for this purpose shall exercise all the powers delegated to them by the Board of Governors.

(b) There shall be not less than twelve directors who need not be governors, and of whom

(i) Five shall be appointed by the five members having the largest quotas;

(ii) Not more than two shall be appointed when the provisions of (c) below apply;

(iii) Five shall be elected by the members not entitled to appoint directors, other than the American Republics; and

(iv) Two shall be elected by the American Republics not entitled to appoint directors.

For the purposes of this paragraph, members means governments of countries whose names are set forth in Schedule A, whether they become members in accordance with Article XX or in accordance with Article II, Section 2. When governments of other countries become members, the Board of Governors may, by a four-fifths majority of the total voting power, increase the number of directors to be elected.

(c) If, at the second regular election of directors and thereafter, the members entitled to appoint directors under (b) (i) above do not include the two members, the holdings of whose currencies by the Fund have been, on the average over the preceding two years, reduced below their quotas by the largest absolute amounts in terms of gold as a common denominator, either one or both of such members, as the case may be, shall be entitled to appoint a director.

(d) Subject to Article XX, Section 3(b) elections of elective directors shall be conducted at intervals of two years in accordance with the provisions of Schedule C, supplemented by such regulations as the Fund deems appropriate. Whenever the Board of Governors increases the number of directors to be elected under (b) above, it shall issue regulations making appropriate changes in the proportion of votes required to elect directors under the provisions of Schedule C.

(e) Each director shall appoint an alternate with full power to act for him when he is not present. When the directors appointing them are present, alternates may participate in meetings but may not vote.

(f) Directors shall continue in office until their successors are appointed or elected. If the office of an elected director becomes vacant more than ninety days before the end of his term, another director shall be elected for the remainder of the term by the members who elected the former director. A majority of the votes cast shall be required for election. While the office remains vacant, the alternate of the former director shall exercise his powers, except that of appointing an alternate.

(g) The Executive Directors shall function in continuous session at the principal office of the Fund and shall meet as often as the business of the Fund may require.

(h) A quorum for any meeting of the Executive Directors shall be a majority of the directors representing not less than one-half of the voting power.

(i) Each appointed director shall be entitled to cast the number of votes allotted under Section 5 of this Article to the member appointing him. Each elected director shall be entitled to cast the number of votes which counted towards his election. When the provisions of Section 5(b) of this Article are applicable, the votes which a director would otherwise be entitled to cast shall be increased or decreased correspondingly. All the votes which a director is entitled to cast shall be cast as a unit.

(j) The Board of Governors shall adopt regulations under which a member not entitled to appoint a director under (b) above may send a representative to attend any meeting of the Executive Directors when a request made by, or a matter particularly affecting, that member is under consideration.

(k) The Executive Directors may appoint such committees as they deem advisable. Membership of committees need not be limited to governors or directors or their alternates.

Section 4. *Managing Director and staff*

(a) The Executive Directors shall select a Managing Director who shall not be a governor or an executive director. The Managing Director shall be chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors, but shall not vote at such meetings. The Managing Director shall cease to hold office when the Executive Directors so decide.

(b) The Managing Director shall be chief of the operating staff of the Fund and shall conduct, under the direction of the Executive Directors, the ordinary business of the Fund. Subject to the general control of the Executive Directors, he shall be responsible for the organization, appointment and dismissal of the staff of the Fund.

(c) The Managing Director and the staff of the Fund, in the discharge of their functions, shall owe their duty entirely to the Fund and to no other authority. Each member of the Fund shall respect the international character of this duty and shall refrain from all attempts to influence any of the staff in the discharge of his functions.

(d) In appointing the staff the Managing Director shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 5. *Voting*

(a) Each member shall have two hundred fifty votes plus one additional vote for each part of its quota equivalent to one hundred thousand United States dollars.

(b) Whenever voting is required under Article V, Section 4 or 5, each member shall have the number of votes to which it is entitled under (a) above, adjusted:

(i) by the addition of one vote for the equivalent of each four hundred thousand United States dollars of net sales of its currency up to the date when the vote is taken, or

(ii) by the subtraction of one vote for the equivalent of each four hundred thousand United States dollars of its net purchases of the currencies of other members up to the date when the vote is taken

provided, that neither net purchases nor net sales shall be deemed at any time to exceed an amount equal to the quota of the member involved.

(c) For the purpose of all computations under this Section, United States dollars shall be deemed to be of the weight and fineness in effect on July 1, 1944, adjusted for any uniform change under Article IV, Section 7, if a waiver is made under Section 8(d) of that Article.

(d) Except as otherwise specifically provided, all decisions of the fund shall be made by a majority of the votes cast.

Section 6. *Distribution of net income*

(a) The Board of Governors shall determine annually what part of the Fund's net income shall be placed to reserve and what part, if any, shall be distributed.

(b) If any distribution is made, there shall first be distributed a two percent non-cumulative payment to each member on the amount by which seventy-five percent of its quota exceeded the Fund's average holdings of its currency during that year. The balance shall be paid to all members in proportion to their quotas. Payments to each member shall be made in its own currency.

Section 7. *Publication of reports*

(a) The Fund shall publish an annual report containing an audited statement of its accounts, and shall issue, at intervals of three months or less, a summary statement of its transactions and its holdings of gold and currencies of members.

(b) The Fund may publish such other reports as it deems desirable for carrying out its purposes.

Section 8. *Communication of views to members*

The Fund shall at all times have the right to communicate its views informally to any member on any matter arising under this Agreement. The Fund may, by a two-thirds majority of the total voting power, decide to publish a report made to a member regarding its monetary or economic conditions and developments which directly tend to produce a serious disequilibrium in the international balance of payments of members. If the member is not entitled to appoint an executive director, it shall be entitled to representation in accordance with Section 3(j) of this Article. The Fund shall not publish a report involving changes in the fundamental structure of the economic organization of members.

ARTICLE XIII

OFFICES AND DEPOSITORIES

Section 1. *Location of offices*

The principal office of the Fund shall be located in the territory of the member having the largest quota, and agencies or branch offices may be established in the territories of other members.

Section 2. *Depositories*

(a) Each member country shall designate its central bank as a depository for all the Fund's holdings of its currency, or if it has no central bank it shall designate such other institution as may be acceptable to the Fund.

(b) The Fund may hold other assets, including gold, in the depositories designated by the five members having the largest quotas and in such other designated depositories as the Fund may select. Initially, at least one-half of the holdings of the Fund shall be held in the depository designated by the member in whose territories the Fund has its principal office and at least forty percent shall be held in the depositories designated by the remaining four members referred to above. However, all transfers of gold by the Fund shall be made with due regard to the costs of transport and anticipated requirements of the Fund. In an emergency the Executive Directors may transfer all or any part of the Fund's gold holdings to any place where they can be adequately protected.

Section 3. *Guarantee of the Fund's assets*

Each member guarantees all assets of the Fund against loss resulting from failure or default on the part of the depository designated by it.

ARTICLE XIV

TRANSITIONAL PERIOD

Section 1. *Introduction*

The Fund is not intended to provide facilities for relief or reconstruction or to deal with international indebtedness arising out of the war.

Section 2. *Exchange restrictions*

In the post-war transitional period members may, notwithstanding the provisions of any other articles of this Agreement, maintain and adapt to changing circumstances (and, in the case of members whose territories have been occupied by the enemy, introduce where necessary) restrictions on payments and transfers for current international transactions. Members shall, however, have continuous regard in their foreign exchange policies to the purposes of the fund; and, as soon as conditions permit, they shall take all possible measures to develop such commercial and financial arrangements with other members as will facilitate international payments and the maintenance of exchange stability. In particular, members shall withdraw restrictions maintained or imposed under this Section as soon as they are satisfied that they will be able, in the absence of such restrictions, to settle their balance of payments in a manner which will not unduly encumber their access to the resources of the Fund.

Section 3. *Notification to the Fund*

Each member shall notify the Fund before it becomes eligible under Article XX, Section 4 (c) or (d), to buy currency from the Fund, whether

it intends to avail itself of the transitional arrangements in Section 2 of this Article, or whether it is prepared to accept the obligations of Article VIII, Sections 2, 3, and 4. A member availing itself of the transitional arrangements shall notify the Fund as soon thereafter as it is prepared to accept the above-mentioned obligations.

Section 4. *Action of the Fund relating to restrictions*

Not later than three years after the date on which the Fund begins operations and in each year thereafter, the Fund shall report on the restrictions still in force under Section 2 of this Article. Five years after the date on which the Fund begins operations, and in each year thereafter, any member still retaining any restrictions inconsistent with Article VIII, Sections 2, 3, or 4, shall consult the Fund as to their further retention. The Fund may, if it deems such action necessary in exceptional circumstances, make representations to any member that conditions are favorable for the withdrawal of any particular restriction, or for the general abandonment of restrictions, inconsistent with the provisions of any other articles of this Agreement. The member shall be given a suitable time to reply to such representations. If the Fund finds that the member persists in maintaining restrictions which are inconsistent with the purposes of the Fund, the member shall be subject to Article XV, Section 2(a).

Section 5. *Nature of transitional period*

In its relations with members, the Fund shall recognize that the post-war transitional period will be one of change and adjustment and in making decisions on requests occasioned thereby which are presented by any member it shall give the member the benefit of any reasonable doubt.

ARTICLE XV

WITHDRAWAL FROM MEMBERSHIP

Section 1. *Right of members to withdraw*

Any member may withdraw from the Fund at any time by transmitting a notice in writing to the Fund at its principal office. Withdrawal shall become effective on the date such notice is received.

Section 2. *Compulsory withdrawal*

(a) If a member fails to fulfill any of its obligations under this Agreement, the Fund may declare the member ineligible to use the resources of the Fund. Nothing in this Section shall be deemed to limit the provisions of Article IV, Section 6, Article V, Section 5, or Article VI, Section 1.

(b) If, after the expiration of a reasonable period the member persists in its failure to fulfill any of its obligations under this Agreement, or a difference between a member and the Fund under Article IV, Section 6, continues, that member may be required to withdraw from membership in the Fund by a

decision of the Board of Governors carried by a majority of the governors representing a majority of the total voting power.

(c) Regulations shall be adopted to ensure that before action is taken against any member under (a) or (b) above, the member shall be informed in reasonable time of the complaint against it and given an adequate opportunity for stating its case, both orally and in writing.

Section 3. *Settlement of accounts with members withdrawing*

When a member withdraws from the Fund, normal transactions of the Fund in its currency shall cease and settlement of all accounts between it and the Fund shall be made with reasonable despatch by agreement between it and the Fund. If agreement is not reached promptly, the provisions of Schedule D shall apply to the settlement of accounts.

ARTICLE XVI

EMERGENCY PROVISIONS

Section 1. *Temporary suspension*

(a) In the event of an emergency or the development of unforeseen circumstances threatening the operations of the Fund, the Executive Directors by unanimous vote may suspend for a period of not more than one hundred twenty days the operation of any of the following provisions:

- (i) Article IV, Sections 3 and 4 (b)
- (ii) Article V, Sections 2, 3, 7, 8 (a) and (f)
- (iii) Article VI, Section 2
- (iv) Article XI, Section 1

(b) Simultaneously with any decision to suspend the operation of any of the foregoing provisions, the Executive Directors shall call a meeting of the Board of Governors for the earliest practicable date.

(c) The Executive Directors may not extend any suspension beyond one hundred twenty days. Such suspension may be extended, however, for an additional period of not more than two hundred forty days, if the Board of Governors by a four-fifths majority of the total voting power so decides, but it may not be further extended except by amendment of this Agreement pursuant to Article XVII.

(d) The Executive Directors may, by a majority of the total voting power, terminate such suspension at any time.

Section 2. *Liquidation of the Fund*

(a) The Fund may not be liquidated except by decision of the Board of Governors. In an emergency, if the Executive Directors decide that liquidation of the Fund may be necessary, they may temporarily suspend all transactions, pending decision by the Board.

(b) If the Board of Governors decides to liquidate the Fund, the Fund shall forthwith cease to engage in any activities except those incidental to the orderly collection and liquidation of its assets and the settlement of its liabilities, and all obligations of members under this Agreement shall cease except those set out in this Article, in Article XVIII, paragraph (c), in Schedule D, paragraph 7, and in Schedule E.

(c) Liquidation shall be administered in accordance with the provisions of Schedule E.

ARTICLE XVII

AMENDMENTS

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a governor or the Executive Directors, shall be communicated to the chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board the Fund shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendment, the Fund shall certify the fact by a formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

(i) the right to withdraw from the Fund (Article XV, Section 1);

(ii) the provision that no change in a member's quota shall be made without its consent (Article III, Section 2);

(iii) the provision that no change may be made in the par value of a member's currency except on the proposal of that member (Article IV, Section 5 (b)).

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

ARTICLE XVIII

INTERPRETATION

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Fund or between any members of the Fund shall be submitted to the Executive Directors for their decision. If the question particularly affects any member not entitled to appoint an executive director it shall be entitled to representation in accordance with Article XII, Section 3(j).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred

to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board the Fund may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Fund and a member which has withdrawn, or between the Fund and any member during liquidation of the Fund, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Fund, another by the member or withdrawing member and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the Permanent Court of International Justice or such other authority as may have been prescribed by regulation adopted by the Fund. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE XIX

EXPLANATION OF TERMS

In interpreting the provisions of this Agreement the Fund and its members shall be guided by the following:

(a) A member's monetary reserves means its net official holdings of gold, of convertible currencies of other members, and of the currencies of such non-members as the Fund may specify.

(b) The official holdings of a member means central holdings (that is, the holdings of its Treasury, central bank, stabilization fund, or similar fiscal agency).

(c) The holdings of other official institutions or other banks within its territories may, in any particular case, be deemed by the Fund, after consultation with the member, to be official holdings to the extent that they are substantially in excess of working balances; provided that for the purpose of determining whether, in a particular case, holdings are in excess of working balances, there shall be deducted from such holdings amounts of currency due to official institutions and banks in the territories of members or non-members specified under (d) below.

(d) A member's holdings of convertible currencies means its holdings of the currencies of other members which are not availing themselves of the transitional arrangements under Article XIV, Section 2, together with its holdings of the currencies of such non-members as the Fund may from time to time specify. The term currency for this purpose includes without limitation coins, paper money, bank balances, bank acceptances, and government obligations issued with a maturity not exceeding twelve months.

(e) A member's monetary reserves shall be calculated by deducting from its central holdings the currency liabilities to the Treasuries, central banks, stabilization funds, or similar fiscal agencies of other members or non-

members specified under (d) above, together with similar liabilities to other official institutions and other banks in the territories of members, or non-members specified under (d) above. To these net holdings shall be added the sums deemed to be official holdings of other official institutions and other banks under (c) above.

(f) The Fund's holdings of the currency of a member shall include any securities accepted by the Fund under Article III, Section 5.

(g) The Fund, after consultation with a member which is availing itself of the transitional arrangements under Article XIV, Section 2, may deem holdings of the currency of that member which carry specified rights of conversion into another currency or into gold to be holdings of convertible currency for the purpose of the calculation of monetary reserves.

(h) For the purpose of calculating gold subscriptions under Article III, Section 3, a member's net official holdings of gold and United States dollars shall consist of its official holdings of gold and United States currency after deducting central holdings of its currency by other countries and holdings of its currency by other official institutions and other banks if these holdings carry specified rights of conversion into gold or United States currency.

(i) Payments for current transactions means payments which are not for the purpose of transferring capital, and includes, without limitation:

(1) All payments due in connection with foreign trade, other current business, including services, and normal short term banking and credit facilities;

(2) Payments due as interest on loans and as net income from other investments;

(3) Payments of moderate amount for amortization of loans or for depreciation of direct investments;

(4) Moderate remittances for family living expenses.

The Fund may, after consultation with the members concerned, determine whether certain specific transactions are to be considered current transactions or capital transactions.

ARTICLE XX

FINAL PROVISIONS

Section 1. *Entry into force*

This Agreement shall enter into force when it has been signed on behalf of governments having sixty-five percent of the total of the quotas set forth in Schedule A and when the instruments referred to in Section 2(a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before May 1, 1945.

Section 2. *Signature*

(a) Each government on whose behalf this Agreement is signed shall deposit with the Government of the United States of America an instrument

setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Fund as from the date of the deposit on its behalf of the instrument referred to in (a) above, except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) The Government of the United States of America shall inform the governments of all countries whose names are set forth in Schedule A, and all governments whose membership is approved in accordance with Article II, Section 2, of all signatures of this Agreement and of the deposit of all instruments referred to in (a) above.

(d) At the time this Agreement is signed on its behalf, each government shall transmit to the Government of the United States of America one one-hundredth of one percent of its total subscription in gold or United States dollars for the purpose of meeting administrative expenses of the Fund. The Government of the United States of America shall hold such funds in a special deposit account and shall transmit them to the Board of Governors of the Fund when the initial meeting has been called under Section 3 of this Article. If this Agreement has not come into force by December 31, 1945, the Government of the United States of America shall return such funds to the governments that transmitted them.

(e) This Agreement shall remain open for signature at Washington on behalf of the governments of the countries whose names are set forth in Schedule A until December 31, 1945.

(f) After December 31, 1945, this Agreement shall be open for signature on behalf of the government of any country whose membership has been approved in accordance with Article II, Section 2.

(g) By their signature of this Agreement, all governments accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate.

(h) In the case of governments whose metropolitan territories have been under enemy occupation, the deposit of the instrument referred to in (a) above may be delayed until one hundred eighty days after the date on which these territories have been liberated. If, however, it is not deposited by any such government before the expiration of this period the signature affixed on behalf of that government shall become void and the portion of its subscription paid under (d) above shall be returned to it.

(i) Paragraphs (d) and (h) shall come into force with regard to each signatory government as from the date of its signature.

Section 3. *Inauguration of the Fund*

(a) As soon as this Agreement enters into force under Section 1 of this Article, each member shall appoint a governor and the member having the largest quota shall call the first meeting of the Board of Governors.

(b) At the first meeting of the Board of Governors, arrangements shall be made for the selection of provisional executive directors. The governments of the five countries for which the largest quotas are set forth in Schedule A shall appoint provisional executive directors. If one or more of such governments have not become members, the executive directorships they would be entitled to fill shall remain vacant until they become members, or until January 1, 1946, whichever is the earlier. Seven provisional executive directors shall be elected in accordance with the provisions of Schedule C and shall remain in office until the date of the first regular election of executive directors which shall be held as soon as practicable after January 1, 1946.

(c) The Board of Governors may delegate to the provisional executive directors any powers except those which may not be delegated to the Executive Directors.

Section 4. *Initial determination of par values*

(a) When the Fund is of the opinion that it will shortly be in a position to begin exchange transactions, it shall so notify the members and shall request each member to communicate within thirty days the par value of its currency based on the rates of exchange prevailing on the sixtieth day before the entry into force of this Agreement. No member whose metropolitan territory has been occupied by the enemy shall be required to make such a communication while that territory is a theater of major hostilities or for such period thereafter as the Fund may determine. When such a member communicates the par value of its currency the provisions of (d) below shall apply.

(b) The par value communicated by a member whose metropolitan territory has not been occupied by the enemy shall be the par value of that member's currency for the purposes of this Agreement unless, within ninety days after the request referred to in (a) above has been received, (i) the member notifies the Fund that it regards the par value as unsatisfactory, or (ii) the Fund notifies the member that in its opinion the par value cannot be maintained without causing recourse to the Fund on the part of that member or others on a scale prejudicial to the Fund and to members. When notification is given under (i) or (ii) above, the Fund and the member shall, within a period determined by the Fund in the light of all relevant circumstances, agree upon a suitable par value for that currency. If the Fund and the member do not agree within the period so determined, the member shall be deemed to have withdrawn from the Fund on the date when the period expires.

(c) When the par value of a member's currency has been established under (b) above, either by the expiration of ninety days without notification,

or by agreement after notification, the member shall be eligible to buy from the Fund the currencies of other members to the full extent permitted in this Agreement, provided that the Fund has begun exchange transactions.

(d) In the case of a member whose metropolitan territory has been occupied by the enemy, the provisions of (b) above shall apply, subject to the following modifications:

(i) The period of ninety days shall be extended so as to end on a date to be fixed by agreement between the Fund and the member.

(ii) Within the extended period the member may, if the Fund has begun exchange transactions, buy from the Fund with its currency the currencies of other members, but only under such conditions and in such amounts as may be prescribed by the Fund.

(iii) At any time before the date fixed under (i) above, changes may be made by agreement with the Fund in the par value communicated under (a) above.

(e) If a member whose metropolitan territory has been occupied by the enemy adopts a new monetary unit before the date to be fixed under (d) (i) above, the par value fixed by that member for the new unit shall be communicated to the Fund and the provisions of (d) above shall apply.

(f) Changes in par values agreed with the Fund under this Section shall not be taken into account in determining whether a proposed change falls within (i), (ii), or (iii) of Article IV, Section 5 (c).

(g) A member communicating to the Fund a par value for the currency of its metropolitan territory shall simultaneously communicate a value, in terms of that currency, for each separate currency, where such exists, in the territories in respect of which it has accepted this Agreement under Section 2 (g) of this Article, but no member shall be required to make a communication for the separate currency of a territory which has been occupied by the enemy while that territory is a theater of major hostilities or for such period thereafter as the Fund may determine. On the basis of the par value so communicated, the Fund shall compute the par value of each separate currency. A communication or notification to the Fund under (a), (b) or (d) above regarding the par value of a currency, shall also be deemed, unless the contrary is stated, to be a communication or notification regarding the par value of all the separate currencies referred to above. Any member may, however, make a communication or notification relating to the metropolitan or any of the separate currencies alone. If the member does so, the provisions of the preceding paragraphs (including (d) above, if a territory where a separate currency exists has been occupied by the enemy) shall apply to each of these currencies separately.

(h) The Fund shall begin exchange transactions at such date as it may determine after members having sixty-five percent of the total of the quotas set forth in Schedule A have become eligible, in accordance with the pre-

ceding paragraphs of this Section, to purchase the currencies of other members, but in no event until after major hostilities in Europe have ceased.

(i) The Fund may postpone exchange transactions with any member if its circumstances are such that, in the opinion of the Fund, they would lead to use of the resources of the Fund in a manner contrary to the purposes of this Agreement or prejudicial to the Fund or the members.

(j) The par values of the currencies of governments which indicate their desire to become members after December 31, 1945, shall be determined in accordance with the provisions of Article II, Section 2.

Done at Washington, in a single copy which shall remain deposited in the archives of the Government of the United States of America, which shall transmit certified copies to all governments whose names are set forth in Schedule A and to all governments whose membership is approved in accordance with Article II, Section 2.

For Australia:

For the Dominican Republic:

EMILIO G. GODOY
December 28-45

For Belgium:

L. A. GOFFIN
December 27, 1945

For Ecuador:

GALO PLAZA
December 27, 45

For Bolivia:

V. ANDRADE
December 27, 1945

For Egypt:

ANIS AZER
December 27, 1945

For Brazil:

FERNANDO LOBO
Dec. 27, 1945

For El Salvador:

For Canada:

LESTER B. PEARSON
Dec. 27/45

For Ethiopia:

G. TESEMMA
Dec. 27, 1945

For Chile:

MARCIAL MORA M.
Dec. 31, 1945

For France:

H. BONNET
27 Decembre 1945

For China:

WEI TAO-MING
December 27, 1945

For Greece:

C. P. DIAMANTOPOULOS
December 27, 1945

For Colombia:

C. S. DE SANTAMARÍA
December 27th, 1945

For Guatemala:

JORGE GARCÍA GRANADOS
27 de diciembre de 1945

For Costa Rica:

F. GUTIERREZ
December 27-1945

For Haiti:

For Cuba:

GMO BELT
December 31, 1945

For Honduras:

JULIÁN R. CÁCERES
December 27, 1945

For Czechoslovakia:

V. S. HURBAN
Dec. 27-1945

For Iceland:

THOR THORS
December 27, 1945

For India:

G. S. BAJPAI
27. 12. '45

For Iran:

HUSSEIN ALA
December 28th, 1945

For Iraq:

ALI JAWDAT
Dec. 27-1945

For Liberia:

For Luxembourg:

HUGUES LE GALLAIS
December 27th, 1945

For Mexico:

A. ESPINOSA DE LOS MONTEROS
Dec. 31st, 1945

For the Netherlands:

A. LOUDON
Dec. 27th, 1945

For New Zealand:

For Nicaragua:

For Norway:

W. MUNTHE MORGENSTIERNE
December 27th, 1945

For Panama:

For Paraguay:

CELSO R. VELÁZQUEZ
December 27, 1945

For Peru:

H. FERNÁNDEZ DÁVILA
Dec. 31, 1945

For the Philippine Commonwealth:

CARLOS P. ROMULO
December 27, 1945

For Poland:

OSKAR LANGE
December 27, 1945

For the Union of South Africa:

H. T. ANDREWS
December 27, 1945

For the Union of Soviet Socialist Republics:

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX
Dec. 27, 1945

For the United States of America:

FRED M. VINSON
Dec. 27, 1945

For Uruguay:

CÉSAR MONTERO B.
Dec. 27, 1945

For Venezuela:

For Yugoslavia:

STANOJE SIMIG
27 XII 1945

SCHEDULE A

Quotas

	(In millions of United States dollars)		(In millions of United States dollars)
Australia	200	Dominican Republic	5
Belgium	225	Ecuador	5
Bolivia	10	Egypt	45
Brazil	150	El Salvador	2.5
Canada	300	Ethiopia	6
Chile	50	France	450
China	550	Greece	40
Colombia	50	Guatemala	5
Costa Rica	5	Haiti	5
Cuba	50	Honduras	2.5
Czechoslovakia	125	Iceland	1
Denmark*	(*)	India	400

*The quota of Denmark shall be determined by the Fund after the Danish Government has declared its readiness to sign this Agreement but before signature takes place.

Quotas—Continued

	(In millions of United States dollars)		(In millions of United States dollars)
Iran	25	Peru	25
Iraq	8	Philippine Commonwealth	15
Liberia	.5	Poland	125
Luxembourg	10	Union of South Africa	100
Mexico	90	Union of Soviet Socialist Republics	1200
Netherlands	275	United Kingdom	1300
New Zealand	50	United States	2750
Nicaragua	2	Uruguay	15
Norway	50	Venezuela	15
Panama	.5	Yugoslavia	60
Paraguay	2		

SCHEDULE B

Provisions With Respect to Repurchase by a Member of Its Currency Held by the Fund

1. In determining the extent to which repurchase of a member's currency from the Fund under Article V, Section 7(b) shall be made with each type of monetary reserve, that is, with gold and with each convertible currency, the following rule, subject to 2 below, shall apply:

(a) If the member's monetary reserves have not increased during the year, the amount payable to the Fund shall be distributed among all types of reserves in proportion to the member's holdings thereof at the end of the year.

(b) If the member's monetary reserves have increased during the year, a part of the amount payable to the Fund equal to one-half of the increase shall be distributed among those types of reserves which have increased in proportion to the amount by which each of them has increased. The remainder of the sum payable to the Fund shall be distributed among all types of reserves in proportion to the member's remaining holdings thereof.

(c) If after all the repurchases required under Article V, Section 7(b), had been made, the result would exceed any of the limits specified in Article V, Section 7(c), the Fund shall require such repurchases to be made by the members proportionately in such manner that the limits will not be exceeded.

2. The Fund shall not acquire the currency of any non-member under Article V, Section 7 (b) and (c).

3. In calculating monetary reserves and the increase in monetary reserves during any year for the purpose of Article V, Section 7 (b) and (c), no account shall be taken, unless deductions have otherwise been made by the member for such holdings, of any increase in those monetary reserves which is due to currency previously inconvertible having become convertible during the year; or to holdings which are the proceeds of a long-term or medium-term loan contracted during the year; or to holdings which have been transferred or set aside for repayment of a loan during the subsequent year.

4. In the case of members whose metropolitan territories have been occupied by the enemy, gold newly produced during the five years after the

entry into force of this Agreement from mines located within their metropolitan territories shall not be included in computations of their monetary reserves or of increases in their monetary reserves.

SCHEDULE C

Election of Executive Directors

1. The election of the elective executive directors shall be by ballot of the governors eligible to vote under Article XII, Section 3(b) (iii) and (iv).

2. In balloting for the five directors to be elected under Article XII, Section 3(b) (iii), each of the governors eligible to vote shall cast for one person all of the votes to which he is entitled under Article XII, Section 5(a). The five persons receiving the greatest number of votes shall be directors, provided that no person who received less than nineteen percent of the total number of votes that can be cast (eligible votes) shall be considered elected.

3. When five persons are not elected in the first ballot, a second ballot shall be held in which the person who received the lowest number of votes shall be ineligible for election and in which there shall vote only (a) those governors who voted in the first ballot for a person not elected, and (b) those governors whose votes for a person elected are deemed under 4 below to have raised the votes cast for that person above twenty percent of the eligible votes.

4. In determining whether the votes cast by a governor are to be deemed to have raised the total of any person above twenty percent of the eligible votes the twenty percent shall be deemed to include, first, the votes of the governor casting the largest number of votes for such person, then the votes of the governor casting the next largest number, and so on until twenty percent is reached.

5. Any governor part of whose votes must be counted in order to raise the total of any person above nineteen percent shall be considered as casting all of his votes for such person even if the total votes for such person thereby exceed twenty percent.

6. If, after the second ballot, five persons have not been elected, further ballots shall be held on the same principles until five persons have been elected, provided that after four persons are elected, the fifth may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

7. The directors to be elected by the American Republics under Article XII, Section 3(b) (iv) shall be elected as follows:

(a) Each of the directors shall be elected separately.

(b) In the election of the first director, each governor representing an American Republic eligible to participate in the election shall cast for one person all the votes to which he is entitled. The person receiving the largest number of votes shall be elected provided that he has received not less than forty-five percent of the total votes.

(c) If no person is elected on the first ballot, further ballots shall be held, in each of which the person receiving the lowest number of votes shall be eliminated, until one person received a number of votes sufficient for election under (b) above.

(d) Governors whose votes contributed to the election of the first director shall take no part in the election of the second director.

(e) Persons who did not succeed in the first election shall not be ineligible for election as the second director.

(f) A majority of the votes which can be cast shall be required for election of the second director. If at the first ballot no person receives a majority, further ballots shall be held in each of which the person receiving the lowest number of votes shall be eliminated, until some person obtains a majority.

(g) The second director shall be deemed to have been elected by all the votes which could have been cast in the ballot securing his election.

SCHEDULE D

Settlement of Accounts With Members Withdrawing

1. The Fund shall be obligated to pay to a member withdrawing an amount equal to its quota, plus any other amounts due to it from the Fund, less any amounts due to the Fund, including charges accruing after the date of its withdrawal; but no payment shall be made until six months after the date of withdrawal. Payments shall be made in the currency of the withdrawing member.

2. If the Fund's holdings of the currency of the withdrawing member are not sufficient to pay the net amount due from the Fund, the balance shall be paid in gold, or in such other manner as may be agreed. If the Fund and the withdrawing member do not reach agreement within six months of the date of withdrawal, the currency in question held by the Fund shall be paid forthwith to the withdrawing member. Any balance due shall be paid in ten half-yearly installments during the ensuing five years. Each such installment shall be paid, at the option of the Fund, either in the currency of the withdrawing member acquired after its withdrawal or by the delivery of gold.

3. If the Fund fails to meet any installment which is due in accordance with the preceding paragraphs, the withdrawing member shall be entitled to require the Fund to pay the installment in any currency held by the Fund with the exception of any currency which has been declared scarce under Article VII, Section 3.

4. If the Fund's holdings of the currency of a withdrawing member exceed the amount due to it, and if agreement on the method of settling accounts is not reached within six months of the date of withdrawal, the former member shall be obligated to redeem such excess currency in gold or, at its option, in the currencies of members which at the time of redemption are convertible. Redemption shall be made at the parity existing at the time of withdrawal.

from the Fund. The withdrawing member shall complete redemption within five years of the date of withdrawal, or within such longer period as may be fixed by the Fund, but shall not be required to redeem in any half-yearly period more than one-tenth of the Fund's excess holdings of its currency at the date of withdrawal plus further acquisitions of the currency during such half-yearly period. If the withdrawing member does not fulfill this obligation, the Fund may in an orderly manner liquidate in any market the amount of currency which should have been redeemed.

5. Any member desiring to obtain the currency of a member which has withdrawn shall acquire it by purchase from the Fund, to the extent that such member has access to the resources of the Fund and that such currency is available under 4 above.

6. The withdrawing member guarantees the unrestricted use at all times of the currency disposed of under 4 and 5 above for the purchase of goods or for payment of sums due to it or to persons within its territories. It shall compensate the Fund for any loss resulting from the difference between the par value of its currency on the date of withdrawal and the value realized by the Fund on disposal under 4 and 5 above.

7. In the event of the Fund going into liquidation under Article XVI, Section 2, within six months of the date on which the member withdraws, the account between the Fund and that government shall be settled in accordance with Article XVI, Section 2, and Schedule E.

SCHEDULE E

Administration of Liquidation

1. In the event of liquidation the liabilities of the Fund other than the repayment of subscriptions shall have priority in the distribution of the assets of the Fund. In meeting each such liability the Fund shall use its assets in the following order:

- (a) the currency in which the liability is payable;
- (b) gold;
- (c) all other currencies in proportion, so far as may be practicable, to the quotas of the members.

2. After the discharge of the Fund's liabilities in accordance with 1 above, the balance of the Fund's assets shall be distributed and apportioned as follows:

- (a) The Fund shall distribute its holdings of gold among the members whose currencies are held by the Fund in amounts less than their quotas. These members shall share the gold so distributed in the proportions of the amounts by which their quotas exceed the Fund's holdings of their currencies.

(b) The Fund shall distribute to each member one-half the Fund's holdings of its currency but such distribution shall not exceed fifty percent of its quota.

(c) The Fund shall apportion the remainder of its holdings of each currency among all the members in proportion to the amounts due to each member after the distributions under (a) and (b) above.

3. Each member shall redeem the holdings of its currency apportioned to other members under 2(c) above, and shall agree with the Fund within three months after a decision to liquidate upon an orderly procedure for such redemption.

4. If a member has not reached agreement with the Fund within the three-month period referred to in 3 above, the Fund shall use the currencies of other members apportioned to that member under 2(c) above to redeem the currency of that member apportioned to other members. Each currency apportioned to a member which has not reached agreement shall be used, so far as possible, to redeem its currency apportioned to the members which have made agreements with the Fund under 3 above.

5. If a member has reached agreement with the Fund in accordance with 3 above, the Fund shall use the currencies of other members apportioned to that member under 2(c) above to redeem the currency of that member apportioned to other members which have made agreements with the Fund under 3 above. Each amount so redeemed shall be redeemed in the currency of the member to which it was apportioned.

6. After carrying out the preceding paragraphs, the Fund shall pay to each member the remaining currencies held for its account.

7. Each member whose currency has been distributed to other members under 6 above shall redeem such currency in gold or, at its option, in the currency of the member requesting redemption, or in such other manner as may be agreed between them. If the members involved do not otherwise agree, the member obligated to redeem shall complete redemption within five years of the date of distribution, but shall not be required to redeem in any half-yearly period more than one-tenth of the amount distributed to each other member. If the member does not fulfill this obligation, the amount of currency which should have been redeemed may be liquidated in an orderly manner in any market.

8. Each member whose currency has been distributed to other members under 6 above guarantees the unrestricted use of such currency at all times for the purchase of goods or for payment of sums due to it or to persons in its territories. Each member so obligated agrees to compensate other members for any loss resulting from the difference between the par value of its currency on the date of the decision to liquidate the Fund and the value realized by such members on disposal of its currency.

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INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Articles of agreement formulated at the United Nations Monetary and Financial Conference at Bretton Woods, New Hampshire, July 1-22, 1944, and opened for signature at Washington December 27, 1945; signed for the United States December 27, 1945

Instrument of acceptance of the United States deposited at Washington December 20, 1945

Entered into force December 27, 1945

*Article III amended by agreement of December 16, 1965*¹

60 Stat. 1440; Treaties and Other
International Acts Series 1502

ARTICLES OF AGREEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT²

The Governments on whose behalf the present Agreement is signed agree as follows:

INTRODUCTORY ARTICLE

The International Bank for Reconstruction and Development is established and shall operate in accordance with the following provisions:

ARTICLE I

PURPOSES

The purposes of the Bank are:

(i) To assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs and the encouragement of the development of productive facilities and resources in less developed countries.

¹ 16 UST 1942; TIAS 5929.

² For a list of articles and sections, see p. 1417.

(ii) To promote private foreign investment by means of guarantees or participations in loans and other investments made by private investors; and when private capital is not available on reasonable terms, to supplement private investment by providing, on suitable conditions, finance for productive purposes out of its own capital, funds raised by it and its other resources.

(iii) To promote the long-range balanced growth of international trade and the maintenance of equilibrium in balances of payments by encouraging international investment for the development of the productive resources of members, thereby assisting in raising productivity, the standard of living and conditions of labor in their territories.

(iv) To arrange the loans made or guaranteed by it in relation to international loans through other channels so that the more useful and urgent projects, large and small alike, will be dealt with first.

(v) To conduct its operations with due regard to the effect of international investment on business conditions in the territories of members and, in the immediate post-war years, to assist in bringing about a smooth transition from a wartime to a peacetime economy.

The Bank shall be guided in all its decisions by the purposes set forth above.

ARTICLE II

MEMBERSHIP IN AND CAPITAL OF THE BANK

Section 1. *Membership*

(a) The original members of the Bank shall be those members of the International Monetary Fund which accept membership in the Bank before the date specified in Article XI, Section 2(e).

(b) Membership shall be open to other members of the Fund, at such times and in accordance with such terms as may be prescribed by the Bank.

Section 2. *Authorized capital*

(a) The authorized capital stock of the Bank shall be \$10,000,000,000, in terms of United States dollars of the weight and fineness in effect on July 1, 1944. The capital stock shall be divided into 100,000 shares having a par value of \$100,000 each, which shall be available for subscription only by members.

(b) The capital stock may be increased when the Bank deems it advisable by a three-fourths majority of the total voting power.

Section 3. *Subscription of shares*

(a) Each member shall subscribe shares of the capital stock of the Bank. The minimum number of shares to be subscribed by the original members shall be those set forth in Schedule A. The minimum number of shares to be subscribed by other members shall be determined by the Bank, which shall

reserve a sufficient portion of its capital stock for subscription by such members.

(b) The Bank shall prescribe rules laying down the conditions under which members may subscribe shares of the authorized capital stock of the Bank in addition to their minimum subscriptions.

(c) If the authorized capital stock of the Bank is increased, each member shall have a reasonable opportunity to subscribe, under such conditions as the Bank shall decide, a proportion of the increase of stock equivalent to the proportion which its stock theretofore subscribed bears to the total capital stock of the Bank, but no member shall be obligated to subscribe any part of the increased capital.

Section 4. *Issue price of shares*

Shares included in the minimum subscriptions of original members shall be issued at par. Other shares shall be issued at par unless the Bank by a majority of the total voting power decides in special circumstances to issue them on other terms.

Section 5. *Division and calls of subscribed capital*

The subscription of each member shall be divided into two parts as follows:

(i) twenty percent shall be paid or subject to call under Section 7 (i) of this Article as needed by the Bank for its operations;

(ii) the remaining eighty percent shall be subject to call by the Bank only when required to meet obligations of the Bank created under Article IV, Sections 1 (a) (ii) and (iii).

Calls on unpaid subscriptions shall be uniform on all shares.

Section 6. *Limitation on liability*

Liability on shares shall be limited to the unpaid portion of the issue price of the shares.

Section 7. *Method of payment of subscriptions for shares*

Payment of subscriptions for shares shall be made in gold or United States dollars and in the currencies of the members as follows:

(i) under Section 5 (i) of this Article, two percent of the price of each share shall be payable in gold or United States dollars, and, when calls are made, the remaining eighteen percent shall be paid in the currency of the member;

(ii) when a call is made under Section 5 (ii) of this Article, payment may be made at the option of the member either in gold, in United States dollars or in the currency required to discharge the obligations of the Bank for the purpose for which the call is made;

(iii) when a member makes payments in any currency under (i) and (ii) above, such payments shall be made in amounts equal in value to the member's liability under the call. This liability shall be a proportionate part of the subscribed capital stock of the Bank as authorized and defined in Section 2 of this Article.

Section 8. *Time of payment of subscriptions*

(a) The two percent payable on each share in gold or United States dollars under Section 7 (i) of this Article, shall be paid within sixty days of the date on which the Bank begins operations, provided that

(i) any original member of the Bank whose metropolitan territory has suffered from enemy occupation or hostilities during the present war shall be granted the right to postpone payment of one-half percent until five years after that date;

(ii) an original member who cannot make such a payment because it has not recovered possession of its gold reserves which are still seized or immobilized as a result of the war may postpone all payment until such date as the Bank shall decide.

(b) The remainder of the price of each share payable under Section 7 (i) of this Article shall be paid as and when called by the Bank, provided that

(i) the Bank shall, within one year of its beginning operations, call not less than eight percent of the price of the share in addition to the payment of two percent referred to in (a) above;

(ii) not more than five percent of the price of the share shall be called in any period of three months.

Section 9. *Maintenance of value of certain currency holdings of the Bank*

(a) Whenever (i) the par value of a member's currency is reduced, or (ii) the foreign exchange value of a member's currency has, in the opinion of the Bank, depreciated to a significant extent within that member's territories, the member shall pay to the Bank within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of initial subscription, of the amount of the currency of such member which is held by the Bank and derived from currency originally paid in to the Bank by the member under Article II, Section 7(i), from currency referred to in Article IV, Section 2(b), or from any additional currency furnished under the provisions of the present paragraph, and which has not been repurchased by the member for gold or for the currency of any member which is acceptable to the Bank.

(b) Whenever the par value of a member's currency is increased, the Bank shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency described in (a) above.

(c) The provisions of the preceding paragraphs may be waived by the Bank when a uniform proportionate change in the par values of the currencies of all its members is made by the International Monetary Fund.

Section 10. *Restriction on disposal of shares*

Shares shall not be pledged or encumbered in any manner whatever and they shall be transferable only to the Bank.

ARTICLE III

GENERAL PROVISIONS RELATING TO LOANS AND GUARANTEES

Section 1. *Use of resources*

(a) The resources and the facilities of the Bank shall be used exclusively for the benefit of members with equitable consideration to projects for development and projects for reconstruction alike.

(b) For the purpose of facilitating the restoration and reconstruction of the economy of members whose metropolitan territories have suffered great devastation from enemy occupation or hostilities, the Bank, in determining the conditions and terms of loans made to such members, shall pay special regard to lightening the financial burden and expediting the completion of such restoration and reconstruction.

Section 2. *Dealings between members and the Bank*

Each member shall deal with the Bank only through its Treasury, central bank, stabilization fund or other similar fiscal agency, and the Bank shall deal with members only by or through the same agencies.

Section 3. *Limitations on guarantees and borrowings of the Bank*

The total amount outstanding of guarantees, participations in loans and direct loans made by the Bank shall not be increased at any time, if by such increase the total would exceed one hundred percent of the unimpaired subscribed capital, reserves and surplus of the Bank.

Section 4. *Conditions on which the Bank may guarantee or make loans*

The Bank may guarantee, participate in, or make loans to any member or any political sub-division thereof and any business, industrial, and agricultural enterprise in the territories of a member, subject to the following conditions:

(i) When the member in whose territories the project is located is not itself the borrower, the member or the central bank or some comparable agency of the member which is acceptable to the Bank, fully guarantees the repayment of the principal and the payment of interest and other charges on the loan.

(ii) The Bank is satisfied that in the prevailing market conditions the borrower would be unable otherwise to obtain the loan under

conditions which in the opinion of the Bank are reasonable for the borrower.

(iii) A competent committee, as provided for in Article V, Section 7, has submitted a written report recommending the project after a careful study of the merits of the proposal.

(iv) In the opinion of the Bank the rate of interest and other charges are reasonable and such rate, charges and the schedule for repayment of principal are appropriate to the project.

(v) In making or guaranteeing a loan, the Bank shall pay due regard to the prospects that the borrower, and, if the borrower is not a member, that the guarantor, will be in position to meet its obligations under the loan; and the Bank shall act prudently in the interests both of the particular member in whose territories the project is located and of the members as a whole.

(vi) In guaranteeing a loan made by other investors, the Bank receives suitable compensation for its risk.

(vii) Loans made or guaranteed by the Bank shall, except in special circumstances, be for the purpose of specific projects of reconstruction or development.

Section 5. *Use of loans guaranteed, participated in or made by the Bank*

(a) The Bank shall impose no conditions that the proceeds of a loan shall be spent in the territories of any particular member or members.

(b) The Bank shall make arrangements to ensure that the proceeds of any loan are used only for the purposes for which the loan was granted, with due attention to considerations of economy and efficiency and without regard to political or other non-economic influences or considerations.

(c) In the case of loans made by the Bank, it shall open an account in the name of the borrower and the amount of the loan shall be credited to this account in the currency or currencies in which the loan is made. The borrower shall be permitted by the Bank to draw on this account only to meet expenses in connection with the project as they are actually incurred.

ARTICLE IV

OPERATIONS

Section 1. *Methods of making or facilitating loans*

(a) The Bank may make or facilitate loans which satisfy the general conditions of Article III in any of the following ways:

(i) By making or participating in direct loans out of its own funds corresponding to its unimpaired paid-up capital and surplus and, subject to Section 6 of this Article, to its reserves.

(ii) By making or participating in direct loans out of funds raised in the market of a member, or otherwise borrowed by the Bank.

(iii) By guaranteeing in whole or in part loans made by private investors through the usual investment channels.

(b) The Bank may borrow funds under (a) (ii) above or guarantee loans under (a) (iii) above only with the approval of the member in whose markets the funds are raised and the member in whose currency the loan is denominated, and only if those members agree that the proceeds may be exchanged for the currency of any other member without restriction.

Section 2. *Availability and transferability of currencies*

(a) Currencies paid into the Bank under Article II, Section 7(i), shall be loaned only with the approval in each case of the member whose currency is involved; provided, however, that if necessary, after the Bank's subscribed capital has been entirely called, such currencies shall, without restriction by the members whose currencies are offered, be used or exchanged for the currencies required to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to such contractual payments on loans guaranteed by the Bank.

(b) Currencies received by the Bank from borrowers or guarantors in payment on account of principal of direct loans made with currencies referred to in (a) above shall be exchanged for the currencies of other members or reloaned only with the approval in each case of the members whose currencies are involved; provided, however, that if necessary, after the Bank's subscribed capital has been entirely called, such currencies shall, without restriction by the members whose currencies are offered, be used or exchanged for the currencies required to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to such contractual payments on loans guaranteed by the Bank.

(c) Currencies received by the Bank from borrowers or guarantors in payment on account of principal of direct loans made by the Bank under Section 1 (a) (ii) of this Article, shall be held and used, without restriction by the members, to make amortization payments, or to anticipate payment of or repurchase part or all of the Bank's own obligations.

(d) All other currencies available to the Bank, including those raised in the market or otherwise borrowed under Section 1 (a) (ii) of this Article, those obtained by the sale of gold, those received as payments of interest and other charges for direct loans made under Sections 1 (a) (i) and (ii), and those received as payments of commissions and other charges under Section 1 (a) (iii), shall be used or exchanged for other currencies or gold required in the operations of the Bank without restriction by the members whose currencies are offered.

(e) Currencies raised in the markets of members by borrowers on loans guaranteed by the Bank under Section 1(a)(iii) of this Article, shall also be used or exchanged for other currencies without restriction by such members.

Section 3. *Provision of currencies for direct loans*

The following provisions shall apply to direct loans under Sections 1(a)(i) and (ii) of this Article:

(a) The Bank shall furnish the borrower with such currencies of members, other than the member in whose territories the project is located, as are needed by the borrower for expenditures to be made in the territories of such other members to carry out the purposes of the loan.

(b) The Bank may, in exceptional circumstances when local currency required for the purposes of the loan cannot be raised by the borrower on reasonable terms, provide the borrower as part of the loan with an appropriate amount of that currency.

(c) The Bank, if the project gives rise indirectly to an increased need for foreign exchange by the member in whose territories the project is located, may in exceptional circumstances provide the borrower as part of the loan with an appropriate amount of gold or foreign exchange not in excess of the borrower's local expenditure in connection with the purposes of the loan.

(d) The Bank may, in exceptional circumstances, at the request of a member in whose territories a portion of the loan is spent, repurchase with gold or foreign exchange a part of that member's currency thus spent but in no case shall the part so repurchased exceed the amount by which the expenditure of the loan in those territories gives rise to an increased need for foreign exchange.

Section 4. *Payment provisions for direct loans*

Loan contracts under Section 1(a)(i) or (ii) of this Article shall be made in accordance with the following payment provisions:

(a) The terms and conditions of interest and amortization payments, maturity and dates of payment of each loan shall be determined by the Bank. The Bank shall also determine the rate and any other terms and conditions of commission to be charged in connection with such loan.

In the case of loans made under Section 1(a)(ii) of this Article during the first ten years of the Bank's operations, this rate of commission shall be not less than one percent per annum and not greater than one and one-half percent per annum, and shall be charged on the outstanding portion of any such loan. At the end of this period of ten years, the rate of commission may be reduced by the Bank with respect both to the outstanding portions of loans already made and to future loans, if the reserves accumulated by the Bank under Section 6 of this Article and out of other earnings are considered by it sufficient to justify a reduction. In the case of future loans the Bank shall also have discretion

to increase the rate of commission beyond the above limit, if experience indicates that an increase is advisable.

(b) All loan contracts shall stipulate the currency or currencies in which payments under the contract shall be made to the Bank. At the option of the borrower, however, such payments may be made in gold, or subject to the agreement of the Bank, in the currency of a member other than that prescribed in the contract.

(i) In the case of loans made under Section 1(a)(i) of this Article, the loan contracts shall provide that payments to the Bank of interest, other charges and amortization shall be made in the currency loaned, unless the member whose currency is loaned agrees that such payments shall be made in some other specified currency or currencies. These payments, subject to the provisions of Article II, Section 9(c), shall be equivalent to the value of such contractual payments at the time the loans were made, in terms of a currency specified for the purpose by the Bank by a three-fourths majority of the total voting power.

(ii) In the case of loans made under Section 1(a)(ii) of this Article, the total amount outstanding and payable to the Bank in any one currency shall at no time exceed the total amount of the outstanding borrowings made by the Bank under Section 1(a)(ii) and payable in the same currency.

(c) If a member suffers from an acute exchange stringency, so that the service of any loan contracted by that member or guaranteed by it or by one of its agencies cannot be provided in the stipulated manner, the member concerned may apply to the Bank for a relaxation of the conditions of payment. If the Bank is satisfied that some relaxation is in the interests of the particular member and of the operations of the Bank and of its members as a whole, it may take action under either, or both, of the following paragraphs with respect to the whole, or part, of the annual service:

(i) The Bank may, in its discretion, make arrangements with the member concerned to accept service payments on the loan in the member's currency for periods not to exceed three years upon appropriate terms regarding the use of such currency and the maintenance of its foreign exchange value; and for the repurchase of such currency on appropriate terms.

(ii) The Bank may modify the terms of amortization or extend the life of the loan, or both.

Section 5. *Guarantees*

(a) In guaranteeing a loan placed through the usual investment channels, the Bank shall charge a guarantee commission payable periodically on the amount of the loan outstanding at a rate determined by the Bank. During the

first ten years of the Bank's operations, this rate shall be not less than one percent per annum and not greater than one and one-half percent per annum. At the end of this period of ten years, the rate of commission may be reduced by the Bank with respect both to the outstanding portions of loans already guaranteed and to future loans if the reserves accumulated by the Bank under Section 6 of this Article and out of other earnings are considered by it sufficient to justify a reduction. In the case of future loans the Bank shall also have discretion to increase the rate of commission beyond the above limit, if experience indicates that an increase is advisable.

(b) Guarantee commissions shall be paid directly to the Bank by the borrower.

(c) Guarantees by the Bank shall provide that the Bank may terminate its liability with respect to interest if, upon default by the borrower and by the guarantor, if any, the Bank offers to purchase, at par and interest accrued to a date designated in the offer, the bonds or other obligations guaranteed.

(d) The Bank shall have power to determine any other terms and conditions of the guarantee.

Section 6. *Special reserve*

The amount of commissions received by the Bank under Sections 4 and 5 of this Article shall be set aside as a special reserve, which shall be kept available for meeting liabilities of the Bank in accordance with Section 7 of this Article. The special reserve shall be held in such liquid form, permitted under this Agreement, as the Executive Directors may decide.

Section 7. *Methods of meeting liabilities of the Bank in case of defaults*

In cases of default on loans made, participated in, or guaranteed by the Bank:

(a) The Bank shall make such arrangements as may be feasible to adjust the obligations under the loans, including arrangements under or analogous to those provided in Section 4(c) of this Article.

(b) The payments in discharge of the Bank's liabilities on borrowings or guarantees under Section 1(a) (ii) and (iii) of this Article shall be charged:

(i) first, against the special reserve provided in Section 6 of this Article.

(ii) then, to the extent necessary and at the discretion of the Bank, against the other reserves, surplus and capital available to the Bank.

(c) Whenever necessary to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to similar payments on loans guaranteed by it, the Bank may call an appropriate amount of the unpaid subscriptions of members in accordance with Article II, Sec-

tions 5 and 7. Moreover, if it believes that a default may be of long duration, the Bank may call an additional amount of such unpaid subscriptions not to exceed in any one year one percent of the total subscriptions of the members for the following purposes:

(i) To redeem prior to maturity, or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it in respect of which the debtor is in default.

(ii) To repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

Section 8. *Miscellaneous operations*

In addition to the operations specified elsewhere in this Agreement, the Bank shall have the power:

(i) To buy and sell securities it has issued and to buy and sell securities which it has guaranteed or in which it has invested, provided that the Bank shall obtain the approval of the member in whose territories the securities are to be bought or sold.

(ii) To guarantee securities in which it has invested for the purpose of facilitating their sale.

(iii) To borrow the currency of any member with the approval of that member.

(iv) To buy and sell such other securities as the Directors by a three-fourths majority of the total voting power may deem proper for the investment of all or part of the special reserve under Section 6 of this Article.

In exercising the powers conferred by this Section, the Bank may deal with any person, partnership, association, corporation or other legal entity in the territories of any member.

Section 9. *Warning to be placed on securities*

Every security guaranteed or issued by the Bank shall bear on its face a conspicuous statement to the effect that it is not an obligation of any government unless expressly stated on the security.

Section 10. *Political activity prohibited*

The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in Article I.

ARTICLE V

ORGANIZATION AND MANAGEMENT

Section 1. *Structure of the Bank*

The Bank shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Bank may determine.

Section 2. *Board of Governors*

(a) All the powers of the Bank shall be vested in the Board of Governors consisting of one governor and one alternate appointed by each member in such manner as it may determine. Each governor and each alternate shall serve for five years, subject to the pleasure of the member appointing him, and may be reappointed. No alternate may vote except in the absence of his principal. The Board shall select one of the governors as Chairman.

(b) The Board of Governors may delegate to the Executive Directors authority to exercise any powers of the Board, except the power to:

(i) Admit new members and determine the conditions of their admission;

(ii) Increase or decrease the capital stock;

(iii) Suspend a member;

(iv) Decide appeals from interpretations of this Agreement given by the Executive Directors;

(v) Make arrangements to cooperate with other international organizations (other than informal arrangements of a temporary and administrative character);

(vi) Decide to suspend permanently the operations of the Bank and to distribute its assets;

(vii) Determine the distribution of the net income of the Bank.

(c) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board or called by the Executive Directors. Meetings of the Board shall be called by the Directors whenever requested by five members or by members having one-quarter of the total voting power.

(d) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(e) The Board of Governors may by regulation establish a procedure whereby the Executive Directors, when they deem such action to be in the best interests of the Bank, may obtain a vote of the Governors on a specific question without calling a meeting of the Board.

(f) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Bank.

(g) Governors and alternates shall serve as such without compensation from the Bank, but the Bank shall pay them reasonable expenses incurred in attending meetings.

(h) The Board of Governors shall determine the remuneration to be paid to the Executive Directors and the salary and terms of the contract of service of the President.

Section 3. *Voting*

(a) Each member shall have two hundred fifty votes plus one additional vote for each share of stock held.

(b) Except as otherwise specifically provided, all matters before the Bank shall be decided by a majority of the votes cast.

Section 4. *Executive Directors*

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Bank, and for this purpose, shall exercise all the powers delegated to them by the Board of Governors.

(b) There shall be twelve Executive Directors, who need not be governors, and of whom:

(i) five shall be appointed, one by each of the five members having the largest number of shares;

(ii) seven shall be elected according to Schedule B by all the Governors other than those appointed by the five members referred to in (i) above.

For the purpose of this paragraph, "members" means governments of countries whose names are set forth in Schedule A, whether they are original members or become members in accordance with Article II, Section 1(b). When governments of other countries become members, the Board of Governors may, by a four-fifths majority of the total voting power, increase the total number of directors by increasing the number of directors to be elected.

Executive directors shall be appointed or elected every two years.

(c) Each executive director shall appoint an alternate with full power to act for him when he is not present. When the executive directors appointing them are present, alternates may participate in meetings but shall not vote.

(d) Directors shall continue in office until their successors are appointed or elected. If the office of an elected director becomes vacant more than ninety days before the end of his term, another director shall be elected for the remainder of the term by the governors who elected the former director. A majority of the votes cast shall be required for election. While the office

remains vacant, the alternate of the former director shall exercise his powers, except that of appointing an alternate.

(e) The Executive Directors shall function in continuous session at the principal office of the Bank and shall meet as often as the business of the Bank may require.

(f) A quorum for any meeting of the Executive Directors shall be a majority of the Directors, exercising not less than one-half of the total voting power.

(g) Each appointed director shall be entitled to cast the number of votes allotted under Section 3 of this Article to the member appointing him. Each elected director shall be entitled to cast the number of votes which counted toward his election. All the votes which a director is entitled to cast shall be cast as a unit.

(h) The Board of Governors shall adopt regulations under which a member not entitled to appoint a director under (b) above may send a representative to attend any meeting of the Executive Directors when a request made by, or a matter particularly affecting, that member is under consideration.

(i) The Executive Directors may appoint such committees as they deem advisable. Membership of such committees need not be limited to governors or directors or their alternates.

Section 5. *President and staff*

(a) The Executive Directors shall select a President who shall not be a governor or an executive director or an alternate for either. The President shall be Chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors, but shall not vote at such meetings. The President shall cease to hold office when the Executive Directors so decide.

(b) The President shall be chief of the operating staff of the Bank and shall conduct, under the direction of the Executive Directors, the ordinary business of the Bank. Subject to the general control of the Executive Directors, he shall be responsible for the organization, appointment and dismissal of the officers and staff.

(c) The President, officers and staff of the Bank, in the discharge of their offices, owe their duty entirely to the Bank and to no other authority. Each member of the Bank shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) In appointing the officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 6. *Advisory Council*

(a) There shall be an Advisory Council of not less than seven persons selected by the Board of Governors including representatives of banking, commercial, industrial, labor, and agricultural interests, and with as wide a national representation as possible. In those fields where specialized international organizations exist, the members of the Council representative of those fields shall be selected in agreement with such organizations. The Council shall advise the Bank on matters of general policy. The Council shall meet annually and on such other occasions as the Bank may request.

(b) Councillors shall serve for two years and may be reappointed. They shall be paid their reasonable expenses incurred on behalf of the Bank.

Section 7. *Loan committees*

The committees required to report on loans under Article III, Section 4, shall be appointed by the Bank. Each such committee shall include an expert selected by the governor representing the member in whose territories the project is located and one or more members of the technical staff of the Bank.

Section 8. *Relationship to other international organizations*

(a) The Bank, within the terms of this Agreement, shall cooperate with any general international organization and with public international organizations having specialized responsibilities in related fields. Any arrangements for such cooperation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article VIII.

(b) In making decisions on applications for loans or guarantees relating to matters directly within the competence of any international organization of the types specified in the preceding paragraph and participated in primarily by members of the Bank, the Bank shall give consideration to the views and recommendations of such organization.

Section 9. *Location of offices*

(a) The principal office of the Bank shall be located in the territory of the member holding the greatest number of shares.

(b) The Bank may establish agencies or branch offices in the territories of any member of the Bank.

Section 10. *Regional offices and councils*

(a) The Bank may establish regional offices and determine the location of, and the areas to be covered by, each regional office.

(b) Each regional office shall be advised by a regional council representative of the entire area and selected in such manner as the Bank may decide.

Section 11. *Depositories*

(a) Each member shall designate its central bank as a depository for all the Bank's holdings of its currency or, if it has no central bank, it shall designate such other institution as may be acceptable to the Bank.

(b) The Bank may hold other assets, including gold, in depositories designated by the five members having the largest number of shares and in such other designated depositories as the Bank may select. Initially, at least one-half of the gold holdings of the Bank shall be held in the depository designated by the member in whose territory the Bank has its principal office, and at least forty percent shall be held in the depositories designated by the remaining four members referred to above, each of such depositories to hold, initially, not less than the amount of gold paid on the shares of the member designating it. However, all transfers of gold by the Bank shall be made with due regard to the costs of transport and anticipated requirements of the Bank. In an emergency the Executive Directors may transfer all or any part of the Bank's gold holdings to any place where they can be adequately protected.

Section 12. *Form of holdings of currency*

The Bank shall accept from any member, in place of any part of the member's currency, paid in to the Bank under Article II, Section 7(i), or to meet amortization payments on loans made with such currency, and not needed by the Bank in its operations, notes or similar obligations issued by the Government of the member or the depository designated by such member, which shall be non-negotiable, non-interest-bearing and payable at their par value on demand by credit to the account of the Bank in the designated depository.

Section 13. *Publication of reports and provision of information*

(a) The Bank shall publish an annual report containing an audited statement of its accounts and shall circulate to members at intervals of three months or less a summary statement of its financial position and a profit and loss statement showing the results of its operations.

(b) The Bank may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this section shall be distributed to members.

Section 14. *Allocation of net income*

(a) The Board of Governors shall determine annually what part of the Bank's net income, after making provision for reserves, shall be allocated to surplus and what part, if any, shall be distributed.

(b) If any part is distributed, up to two percent non-cumulative shall be paid, as a first charge against the distribution for any year, to each

member on the basis of the average amount of the loans outstanding during the year made under Article IV, Section 1(a)(i), out of currency corresponding to its subscriptions. If two percent is paid as a first charge, any balance remaining to be distributed shall be paid to all members in proportion to their shares. Payments to each member shall be made in its own currency, or if that currency is not available in other currency acceptable to the member. If such payments are made in currencies other than the member's own currency, the transfer of the currency and its use by the receiving member after payment shall be without restriction by the members.

ARTICLE VI

WITHDRAWAL AND SUSPENSION OF MEMBERSHIP: SUSPENSION OF OPERATIONS

Section 1. *Right of members to withdraw*

Any member may withdraw from the Bank at any time by transmitting a notice in writing to the Bank at its principal office. Withdrawal shall become effective on the date such notice is received.

Section 2. *Suspension of membership*

If a member fails to fulfill any of its obligations to the Bank, the Bank may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

While under suspension, a member shall not be entitled to exercise any rights under this Agreement, except the right of withdrawal, but shall remain subject to all obligations.

Section 3. *Cessation of membership in International Monetary Fund*

Any member which ceases to be a member of the International Monetary Fund shall automatically cease after three months to be a member of the Bank unless the Bank by three-fourths of the total voting power has agreed to allow it to remain a member.

Section 4. *Settlement of accounts with governments ceasing to be members*

(a) When a government ceases to be a member, it shall remain liable for its direct obligations to the Bank and for its contingent liabilities to the Bank so long as any part of the loans or guarantees contracted before it ceased to be a member are outstanding; but it shall cease to incur liabilities with respect to loans and guarantees entered into thereafter by the Bank and to share either in the income or the expenses of the Bank.

(b) At the time a government ceases to be a member, the Bank shall arrange for the repurchase of its shares as a part of the settlement of accounts with such government in accordance with the provisions of (c) and (d) below. For this purpose the repurchase price of the shares shall be the value shown by the books of the Bank on the day the government ceases to be a member.

(c) The payment for shares repurchased by the Bank under this section shall be governed by the following conditions:

(i) Any amount due to the government for its shares shall be withheld so long as the government, its central bank or any of its agencies remains liable, as borrower or guarantor, to the Bank and such amount may, at the option of the Bank, be applied on any such liability as it matures. No amount shall be withheld on account of the liability of the government resulting from its subscription for shares under Article II, Section 5 (ii). In any event, no amount due to a member for its shares shall be paid until six months after the date upon which the government ceases to be a member.

(ii) Payments for shares may be made from time to time, upon their surrender by the government, to the extent by which the amount due as the repurchase price in (b) above exceeds the aggregate of liabilities on loans and guarantees in (c) (i) above until the former member has received the full repurchase price.

(iii) Payments shall be made in the currency of the country receiving payment or at the option of the Bank in gold.

(iv) If losses are sustained by the Bank on any guarantees, participations in loans, or loans which were outstanding on the date when the government ceased to be a member, and the amount of such losses exceeds the amount of the reserve provided against losses on the date when the government ceased to be a member, such government shall be obligated to repay upon demand the amount by which the repurchase price of its shares would have been reduced, if the losses had been taken into account when the repurchase price was determined. In addition, the former member government shall remain liable on any call for unpaid subscriptions under Article II, Section 5 (ii), to the extent that it would have been required to respond if the impairment of capital had occurred and the call had been made at the time the repurchase price of its shares was determined.

(d) If the Bank suspends permanently its operations under Section 5 (b) of this Article, within six months of the date upon which any government ceases to be a member, all rights of such government shall be determined by the provisions of Section 5 of this Article.

Section 5. *Suspension of operations and settlement of obligations*

(a) In an emergency the Executive Directors may suspend temporarily operations in respect of new loans and guarantees pending an opportunity for further consideration and action by the Board of Governors.

(b) The Bank may suspend permanently its operations in respect of new loans and guarantees by vote of a majority of the Governors, exercising a majority of the total voting power. After such suspension of operations the Bank shall forthwith cease all activities, except those incident to the orderly realization, conservation, and preservation of its assets and settlement of its obligations.

(c) The liability of all members for uncalled subscriptions to the capital stock of the Bank and in respect of the depreciation of their own currencies shall continue until all claims of creditors, including all contingent claims, shall have been discharged.

(d) All creditors holding direct claims shall be paid out of the assets of the Bank, and then out of payments to the Bank on calls on unpaid subscriptions. Before making any payments to creditors holding direct claims, the Executive Directors shall make such arrangements as are necessary, in their judgment, to insure a distribution to holders of contingent claims ratably with creditors holding direct claims.

(e) No distribution shall be made to members on account of their subscriptions to the capital stock of the Bank until

(i) all liabilities to creditors have been discharged or provided for, and

(ii) a majority of the Governors, exercising a majority of the total voting power, have decided to make a distribution.

(f) After a decision to make a distribution has been taken under (e) above, the Executive Directors may by a two-thirds majority vote make successive distributions of the assets of the Bank to members until all of the assets have been distributed. This distribution shall be subject to the prior settlement of all outstanding claims of the Bank against each member.

(g) Before any distribution of assets is made, the Executive Directors shall fix the proportionate share of each member according to the ratio of its shareholding to the total outstanding shares of the Bank.

(h) The Executive Directors shall value the assets to be distributed as at the date of distribution and then proceed to distribute in the following manner:

(i) There shall be paid to each member in its own obligations or those of its official agencies or legal entities within its territories, insofar as they are available for distribution, an amount equivalent in value to its proportionate share of the total amount to be distributed.

(ii) Any balance due to a member after payment has been made under (i) above shall be paid, in its own currency, insofar as it is held by the Bank, up to an amount equivalent in value to such balance.

(iii) Any balance due to a member after payment has been made under (i) and (ii) above shall be paid in gold or currency acceptable to the member, insofar as they are held by the Bank, up to an amount equivalent in value to such balance.

(iv) Any remaining assets held by the Bank after payments have been made to members under (i), (ii), and (iii) above shall be distributed *pro rata* among the members.

(i) Any member receiving assets distributed by the Bank in accordance with (h) above, shall enjoy the same rights with respect to such assets as the Bank enjoyed prior to their distribution.

ARTICLE VII

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. *Purposes of Article*

To enable the Bank to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2. *Status of the Bank*

The Bank shall possess full juridical personality, and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. *Position of the Bank with regard to judicial process*

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wherever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. *Immunity of assets from seizure*

Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives*

The archives of the Bank shall be inviolable.

Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications*

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Bank

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity;

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials, and employees of comparable rank of other members.

Section 9. *Immunities from taxation*

(a) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held---

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

Section 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Bank of the detailed action which it has taken.

ARTICLE VIII

AMENDMENTS

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board the Bank shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendment, the Bank shall certify the fact by a formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

(i) the right to withdraw from the Bank provided in Article VI, Section 1;

(ii) the right secured by Article II, Section 3 (c);

(iii) the limitation on liability provided in Article II, Section 6.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

ARTICLE IX

INTERPRETATION

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Bank or between any members of the

Bank shall be submitted to the Executive Directors for their decision. If the question particularly affects any member not entitled to appoint an executive director, it shall be entitled to representation in accordance with Article V, Section 4(h).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board, the Bank may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Bank and a country which has ceased to be a member, or between the Bank and any member during the permanent suspension of the Bank, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Bank, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the Permanent Court of International Justice or such other authority as may have been prescribed by regulation adopted by the Bank. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE X

APPROVAL DEEMED GIVEN

Whenever the approval of any member is required before any act may be done by the Bank, except in Article VIII, approval shall be deemed to have been given unless the member presents an objection within such reasonable period as the Bank may fix in notifying the member of the proposed act.

ARTICLE XI

FINAL PROVISIONS

Section 1. *Entry into force*

This Agreement shall enter into force when it has been signed on behalf of governments whose minimum subscriptions comprise not less than sixty-five percent of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before May 1, 1945.

Section 2. *Signature*

(a) Each government on whose behalf this Agreement is signed shall deposit with the Government of the United States of America an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Bank as from the date of the deposit on its behalf of the instrument referred to in (a) above, except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) The Government of the United States of America shall inform the governments of all countries whose names are set forth in Schedule A, and all governments whose membership is approved in accordance with Article II, Section 1 (b), of all signatures of this Agreement and of the deposit of all instruments referred to in (a) above.

(d) At the time this Agreement is signed on its behalf, each government shall transmit to the Government of the United States of America one one-hundredth of one percent of the price of each share in gold or United States dollars for the purpose of meeting administrative expenses of the Bank. This payment shall be credited on account of the payment to be made in accordance with Article II, Section 8 (a). The Government of the United States of America shall hold such funds in a special deposit account and shall transmit them to the Board of Governors of the Bank when the initial meeting has been called under Section 3 of this Article. If this Agreement has not come into force by December 31, 1945, the Government of the United States of America shall return such funds to the governments that transmitted them.

(e) This Agreement shall remain open for signature at Washington on behalf of the governments of the countries whose names are set forth in Schedule A until December 31, 1945.

(f) After December 31, 1945, this Agreement shall be open for signature on behalf of the government of any country whose membership has been approved in accordance with Article II, Section 1 (b).

(g) By their signature of this Agreement, all governments accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate.

(h) In the case of governments whose metropolitan territories have been under enemy occupation, the deposit of the instrument referred to in (a) above may be delayed until one hundred and eighty days after the date on which these territories have been liberated. If, however, it is not deposited by any such government before the expiration of this period, the signature affixed on behalf of that government shall become void and the portion of its subscription paid under (d) above shall be returned to it.

(i) Paragraphs (d) and (h) shall come into force with regard to each signatory government as from the date of its signature.

Section 3. Inauguration of the Bank

(a) As soon as this Agreement enters into force under Section 1 of this Article, each member shall appoint a governor and the member to whom

the largest number of shares is allocated in Schedule A shall call the first meeting of the Board of Governors.

(b) At the first meeting of the Board of Governors, arrangements shall be made for the selection of provisional executive directors. The governments of the five countries, to which the largest number of shares are allocated in Schedule A, shall appoint provisional executive directors. If one or more of such governments have not become members, the executive directorships which they would be entitled to fill shall remain vacant until they become members, or until January 1, 1946, whichever is the earlier. Seven provisional executive directors shall be elected in accordance with the provisions of Schedule B and shall remain in office until the date of the first regular election of executive directors which shall be held as soon as practicable after January 1, 1946.

(c) The Board of Governors may delegate to the provisional executive directors any powers except those which may not be delegated to the Executive Directors.

(d) The Bank shall notify members when it is ready to commence operations.

Done at Washington, in a single copy which shall remain deposited in the archives of the Government of the United States of America, which shall transmit certified copies to all governments whose names are set forth in Schedule A and to all governments whose membership is approved in accordance with Article II, Section 1 (b).

For Australia:

For Belgium:

L. A. GOFFIN, *December 27, 1945*

For Bolivia:

V. ANDRADE

December 27, 1945

For Brazil:

FERNANDO LOBO

27 Dec 1945

For Canada:

LESTER B. PEARSON

Dec 27/45

For Chile:

MARCIAL MORA M.

Dec. 31 1945

For China:

WEI TAO-MING

December 27, 1945

For Colombia:

For Costa Rica:

F. GUTIERREZ

December 27—1945

For Cuba:

GMO BELT

December 31, 1945

For Czechoslovakia:

V. S. HURBAN

Dec 27—1945

For the Dominican Republic:

EMILIO G. GODOY

December 28—1945

For Ecuador:

GALO PLAZA

December 27—1945

For Egypt:

ANIS AZER

December 27, 1945

For El Salvador:

For Ethiopia:

G. TESEMMA

Dec. 27, 1945

- For France:
H. BONNET
27 Decembre 1945
- For Greece:
C. P. DIAMANTOPOULOS
December 27, 1945
- For Guatemala:
JORGE GARCÍA GRANADOS
27 de Diciembre de 1945
- For Haiti:
- For Honduras:
JULIÁN R. CÁCERES
December 27, 1945
- For Iceland:
THOR THORS
December 27, 1945
- For India:
G. S. BAJPAL
27. 12. '45
- For Iran:
HUSSEIN ALA
December 28th 1945
- For Iraq:
ALI JAWDAT
Dec 27 1945
- For Liberia:
- For Luxembourg:
HUGHES LE GALLAIS
December 27th 1945
- For Mexico:
A. ESPINOSA DE LOS MONTEROS,
Dec. 31st, 1945
- For the Netherlands:
A. LOUDON
Dec. 27th 1945
- For New Zealand:
- For Nicaragua:
- For Norway:
W. MUNTHE MORGENSTIERNE
December 27th 1945
- For Panama:
- For Paraguay:
CELSO R. VELÁZQUEZ
December 27, 1945
- For Peru:
H. FERNÁNDEZ DÁVILA
Dec 31, 1945
- For the Philippine Commonwealth:
CARLOS P. ROMULO
December 27, 1945
- For Poland:
OSKAR LANGE
December 27, 1945
- For the Union of South Africa:
H. T. ANDREWS
December 27 1945
- For the Union of Soviet Socialist Republics:
- For the United Kingdom of Great Britain and Northern Ireland:
HALIFAX
Dec. 27 1945
- For the United States of America:
FRED M. VINSON
Dec. 27, 1945
- For Uruguay:
CÉSAR MONTERO B.
Dec. 27, 1945
- For Venezuela:
- For Yugoslavia:
STANOJE SIMIC *27 XII. 1945.*

SCHEDULE A

Subscriptions

	(millions of dollars)		(millions of dollars)
Australia	200	Chile	35
Belgium	225	China	600
Bolivia	7	Colombia	35
Brazil	105	Costa Rica	2
Canada	325	Cuba	35

Subscriptions—Continued

	(millions of dollars)		(millions of dollars)
Czechoslovakia	125	Netherlands	275
*Denmark		New Zealand	50
Dominican Republic	2	Nicaragua	.8
Ecuador	3.2	Norway	50
Egypt	40	Panama	.2
El Salvador	1	Paraguay	.8
Ethiopia	3	Peru	17.5
France	450	Philippine Commonwealth	15
Greece	25	Poland	125
Guatemala	2	Union of South Africa	100
Haiti	2	Union of Soviet Socialist Republics	1200
Honduras	1	United Kingdom	1300
Iceland	1	United States	3175
India	400	Uruguay	10.5
Iran	24	Venezuela	10.5
Iraq	6	Yugoslavia	40
Liberia	.5		
Luxembourg	10	Total	9100
Mexico	65		

*The quota of Denmark shall be determined by the Bank after Denmark accepts membership in accordance with these Articles of Agreement.

SCHEDULE B

Election of Executive Directors

1. The election of the elective executive directors shall be by ballot of the Governors eligible to vote under Article V, Section 4(b).

2. In balloting for the elective executive directors, each governor eligible to vote shall cast for one person all of the votes to which the member appointing him is entitled under Section 3 of Article V. The seven persons receiving the greatest number of votes shall be executive directors, except that no person who receives less than fourteen percent of the total of the votes which can be cast (eligible votes) shall be considered elected.

3. When seven persons are not elected on the first ballot, a second ballot shall be held in which the person who received the lowest number of votes shall be ineligible for election and in which there shall vote only (a) those governors who voted in the first ballot for a person not elected and (b) those governors whose votes for a person elected are deemed under 4 below to have raised the votes cast for that person above fifteen percent of the eligible votes.

4. In determining whether the votes cast by a governor are to be deemed to have raised the total of any person above fifteen percent of the eligible votes, the fifteen percent shall be deemed to include, first, the votes of the governor casting the largest number of votes for such person, then the votes of the governor casting the next largest number, and so on until fifteen percent is reached.

5. Any governor, part of whose votes must be counted in order to raise the total of any person above fourteen percent, shall be considered as casting

all of his votes for such person even if the total votes for such person thereby exceed fifteen percent.

6. If, after the second ballot, seven persons have not been elected, further ballots shall be held on the same principles until seven persons have been elected, provided that after six persons are elected, the seventh may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

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