

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

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EUROPEAN COAL ORGANIZATION

Agreement signed at London January 4, 1946

Entered into force January 1, 1946

Prolonged by protocol of December 12, 1946¹

Expired January 1, 1948

60 Stat. 1517; Treaties and Other
International Acts Series 1508

AGREEMENT FOR THE ESTABLISHMENT OF THE EUROPEAN COAL ORGANISATION

The Governments of Belgium, Denmark, France, Greece, Luxembourg, the Netherlands, Norway, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, being convinced that, during the present period of general shortage of coal and of certain types of coal-mining supplies and equipment, effective co-ordination of the demand for and supply of these commodities in Europe will continue to be necessary, have agreed as follows:—

ARTICLE 1

Establishment of a European Coal Organisation

The European Coal Organisation, hereinafter referred to as the “Organisation,” is hereby formally established.

ARTICLE 2

Membership of the Organisation

The members of the Organisation shall be the Governments on whose behalf this Agreement is signed and those other Governments which accede to the Agreement at the invitation of the Council provided for in Article 3.

ARTICLE 3

Structure of the Organisation

1. The Organisation shall consist of a Council and a Full-time Staff.
2. The Council shall be composed of representatives of the member Gov-

¹ TIAS 1615, *post*, p. 278.

ernments. Each Government shall appoint one representative and may appoint an alternate representative and technical advisers.

3. The Council shall draw up its own rules of procedure and may establish such committees or other subordinate bodies as may be desirable.

4. The Full-time Staff shall consist of a Chairman, who shall preside in the Council, a Secretary-General, both appointed by the Council, and other necessary staff appointed by the Chairman with the approval of the Council and in accordance with conditions to be prescribed by the Council.

ARTICLE 4

Purpose of the Organisation

1. The purpose of the Organisation is to promote the supply and equitable distribution of coal and scarce items of coal-mining supplies and equipment while safeguarding, as far as possible, the interests of both producers and consumers. With this object the Council shall keep itself constantly acquainted with and, when necessary, discuss the situation in regard to such supply and distribution, disseminate information in regard thereto, and make appropriate recommendations to the Governments concerned and to any other competent authorities.

2. To these ends the member Governments shall—

(a) provide the Organisation, at its request, with all relevant information, in particular, information regarding production, imports, exports, consumption, stocks and requirements of coal and of coal-mining supplies and equipment, and

(b) give their full co-operation to the Organisation in the accomplishment of its task.

ARTICLE 5

Headquarters

The Headquarters of the Organisation shall be in London or such other place as the Council may from time to time decide.

ARTICLE 6

Relations with other Organisations, Authorities and Agencies

1. The Organisation may establish relations with national and international organisations, authorities and agencies.

2. After the establishment of the Economic and Social Council of the United Nations, the Organisation shall communicate with that Council with the view of determining what relationship should be created between it and the Council and, in particular, whether its functions can and should be taken over by the Council.

ARTICLE 7

Administrative Expenses

The Council shall consider and approve a budget covering the necessary administrative expenses of the Organisation. Administrative expenses shall be apportioned between and borne by the member Governments in a manner to be determined by the Council. Each member Government undertakes, subject to the requirements of its constitutional procedure, to contribute to the Organisation promptly its share of the administrative expenses so determined.

ARTICLE 8

Privileges and immunities

1. The Organisation shall enjoy in the territories of the member Governments such privileges and immunities as are necessary for the fulfilment of its purpose.

2. Representatives of the member Governments and officials of the Organisation shall likewise enjoy in those territories such privileges and immunities as are necessary for the independent exercise of their functions.

ARTICLE 9

Definitions

For the purposes of this Agreement:

The word "coal" shall mean all coal (whether anthracite, bituminous brown coal, lignite or other species), coke (whether produced at gas works or coke ovens), briquettes or other manufactured solid fuel and pitch for use in the manufacture of solid fuel.

The expression "coal-mining supplies and equipment" shall mean such articles, including machinery and parts thereof, as are used in the production and treatment of coal.

ARTICLE 10

Entry into force and duration of the Agreement

This Agreement, which is drawn up in French and English, both texts being equally authoritative, shall enter into force on the 1st January, 1946, for an initial period of one year. The member Governments (or some of them) may prolong its operation for such further period as they may determine. On or after the 1st October, 1946, any member Government may give in writing to the Government of the United Kingdom notice of withdrawal from the Organisation and the Agreement shall terminate in respect of any Government by whom such notice has been given three months after the date of the receipt of the notice by the Government of the United Kingdom.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Agreement.

Done in London on the 4th January, 1946, in a single copy which shall be deposited with the Government of the United Kingdom and of which certified copies shall be communicated to all signatory or acceding Governments.

For the Government of Belgium:
M. T. BUYSE

For the Government of Denmark:
ANTHON VESTBIRK

For the Government of France:
GUERONIK

For the Government of Greece:
J. ROMANOS

For the Government of Luxembourg:
LEO A. CLASEN

For the Government of the Netherlands:
J. LOOMAN

For the Government of Norway:
JOHAN MELANDER

For the Government of Turkey:
CEMAL SAIT BARK

For the Government of the United
Kingdom:
J. EATON GRIFFITH

For the Government of the United
States:
THOMAS C. BLAISDELL, Jr.

REPARATION FROM GERMANY, ESTABLISHMENT OF INTER-ALLIED REPARATION AGENCY, AND RESTITUTION OF MONETARY GOLD

Agreement opened for signature at Paris January 14, 1946, and signed for the United States January 14, 1946

Entered into force January 24, 1946

Supplemented by protocols of November 4, 1947,¹ December 16, 1947,² March 15, 1948,³ and July 6, 1949⁴

61 Stat. 3157; Treaties and Other International Acts Series 1655

AGREEMENT ON REPARATION FROM GERMANY, ON THE ESTABLISHMENT OF AN INTER-ALLIED REPARATION AGENCY AND ON THE RESTITUTION OF MONETARY GOLD

The Governments of Albania, the United States of America, Australia, Belgium, Canada, Denmark, Egypt, France, the United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxembourg, Norway, New Zealand, the Netherlands, Czechoslovakia, the Union of South Africa and Yugoslavia, in order to obtain an equitable distribution among themselves of the total assets which, in accordance with the provisions of this Agreement and the provisions agreed upon at Potsdam on 1. August 1945⁵ between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, are or may be declared to be available as reparation from Germany (hereinafter referred to as German reparation), in order to establish an Inter-Allied Reparation Agency, and to settle an equitable procedure for the restitution of monetary gold,

Have agreed as follows:

¹ TIAS 1683, *post*, p. 689.

² TIAS 1707, *post*, p. 692.

³ TIAS 1797, *post*, p. 701.

⁴ TIAS 1970, *post*, p. 850.

⁵ *Ante*, vol. 3, pp. 1213 and 1231.

PART I

GERMAN REPARATION

ARTICLE 1

Shares in Reparation

A. German reparation (exclusive of the funds to be allocated under Article 8 of Part I of this Agreement), shall be divided into the following categories:

Category A, which shall include all forms of German reparation except those included in *Category B*;

Category B, which shall include industrial and other capital equipment removed from Germany, and merchant ships and inland water transport.

B. Each Signatory Government shall be entitled to the percentage share of the total value of *Category A* and the percentage share of the total value of *Category B* set out for that Government in the Table of Shares set forth below:

TABLE OF SHARES

Country	Category A	Category B	Country	Category A	Category B
Albania.....	.05	.35	India.....	2.00	2.90
United States of America.....	28.00	11.80	Luxembourg.....	.15	.40
Australia.....	.70	.95	Norway.....	1.30	1.90
Belgium.....	2.70	4.50	New Zealand.....	.40	.60
Canada.....	3.50	1.50	Netherlands.....	3.90	5.60
Denmark.....	.25	.35	Czechoslovakia.....	3.00	4.30
Egypt.....	.05	.20	Union of South Africa ¹70	.10
France.....	16.00	22.80	Yugoslavia.....	6.60	9.60
United Kingdom.....	28.00	27.80	Total.....	100.00	100.00
Greece.....	2.70	4.35			

¹The Government of the Union of South Africa has undertaken to waive its claims [to the] extent necessary to reduce its percentage share of category B to the figure of 0,1 per cent but is entitled, in disposing of German enemy assets within its jurisdiction, to charge the net value of such assets against its percentage share of category A and a percentage share under category B of 1,0 per cent.

C. Subject to the provisions of paragraph D below, each Signatory Government shall be entitled to receive its share of merchant ships determined in accordance with Article 5 of Part I of this Agreement, provided that its receipts of merchant ships do not exceed in value its share in *Category B* as a whole.

Subject to the provisions of paragraph D below, each Signatory Government shall also be entitled to its *Category A* percentage share in German assets in countries which remained neutral in the war against Germany.

The distribution among the Signatory Governments of forms of German

reparation other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany shall be guided by the principles set forth in Article 4 of Part I of this Agreement.

D. If a Signatory Government receives more than its percentage share of certain types of assets in either Category A or Category B, its receipts of other types of assets in that Category shall be reduced so as to ensure that it shall not receive more than its share in that Category as a whole.

E. No Signatory Government shall receive more than its percentage share of either Category A or Category B as a whole by surrendering any part of its percentage share of the other Category, except that with respect to German enemy assets within its own jurisdiction, any Signatory Government shall be permitted to charge any excess of such assets over its Category A percentage share of total German enemy assets within the jurisdiction of the Signatory Governments either to its receipts in Category A or to its receipts in Category B or in part to each Category.

F. The Inter-Allied Reparation Agency, to be established in accordance with Part II of this Agreement, shall charge the reparation account of each Signatory Government for the German assets within that Government's jurisdiction over a period of five years. The charges at the date of the entry into force of this Agreement shall be not less than 20 per cent of the net value of such assets (as defined in Article 6 of Part I of this Agreement) as then estimated, at the beginning of the second year thereafter not less than 25 per cent of the balance as then estimated, at the beginning of the third year not less than 33, $\frac{1}{3}$ per cent of the balance as then estimated, at the beginning of the fourth year not less than 50 per cent of the balance as then estimated, at the beginning of the fifth year not less than 90 per cent of the balance as then estimated, and at the end of the fifth year the entire remainder of the total amount actually realized.

G. The following exceptions to paragraphs D and E above shall apply in the case of a Signatory Government whose share in Category B is less than its share in Category A:

(i) Receipts of merchant ships by any such Government shall not reduce its percentage share in other types of assets in Category B, except to the extent that such receipts exceed the value obtained when that Government's Category A percentage is applied to the total value of merchant ships.

(ii) Any excess of German assets within the jurisdiction of such Government over its Category A percentage share of the total of German assets within the jurisdiction of Signatory Government as a whole shall be charged first to the additional share in Category B to which that Government would be entitled if its share in Category B were determined by applying its Category A percentage to the forms of German reparation in Category B.

H. If any Signatory Government renounces its shares or part of its shares in German reparation as set out in the above Table of Shares, or if it withdraws from the Inter-Allied Reparation Agency at a time when all or part of its shares in German reparation remain unsatisfied, the shares or part thereof thus renounced or remaining shall be distributed rateably among the other Signatory Governments.

ARTICLE 2

Settlement of Claims against Germany

A. The Signatory Governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its Agencies, of a governmental or private nature, arising out of the war (which are not otherwise provided for), including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

B. The provisions of paragraph A above are without prejudice to:

- (i) the determination at the proper time of the forms, duration or total amount of reparation to be made by Germany;
- (ii) the right which each Signatory Government may have with respect to the final settlement of German reparation; and
- (iii) any political, territorial or other demands which any Signatory Government may put forward with respect to the peace settlement with Germany.

C. Notwithstanding anything in the provisions of paragraph A above, the present Agreement shall not be considered as affecting:

- (i) the obligation of the appropriate authorities in Germany to secure at a future date the discharge of claims against Germany and German nationals arising out of contracts and other obligations entered into, and rights acquired, before the existence of a state of war between Germany and the Signatory Government concerned or before the occupation of its territory by Germany, whichever was earlier;
- (ii) the claims of Social Insurance Agencies of the Signatory Governments or the claims of their nationals against the Social Insurance Agencies of the former German Government; and
- (iii) banknotes of the Reichsbank and the Rentenbank, it being understood that their realization shall not have the result of reducing improperly the amount of reparation and shall not be effected without the approval of the Control Council for Germany.

D. Notwithstanding the provisions of Paragraph A of this Article, the Signatory Governments agree that, so far as they are concerned, the Czecho-

slovak Government will be entitled to draw upon the Giro account of the National Bank of Czechoslovakia at the Reichsbank, should such action be decided upon by the Czechoslovak Government and approved by the Control Council for Germany, in connection with the movement from Czechoslovakia to Germany of former Czechoslovak nationals.

ARTICLE 3

Waiver of Claims Regarding Property Allocated as Reparation

Each of the Signatory Governments agrees that it will not assert, initiate actions in international tribunals in respect of, or give diplomatic support to claims on behalf of itself or those persons entitled to its protection against any other Signatory Government or its nationals in respect of property received by that Government as reparation with the approval of the Control Council for Germany.

ARTICLE 4

General Principles for the Allocation of Industrial and other Capital Equipment

A. No Signatory Government shall request the allocation to it as reparation of any industrial or other capital equipment removed from Germany except for use in its own territory or for use by its own nationals outside its own territory.

B. In submitting requests to the Inter-Allied Reparation Agency, the Signatory Governments should endeavour to submit comprehensive programs of requests for related groups of items, rather than requests for isolated items or small groups of items. It is recognized that the work of the Secretariat of the Agency will be more effective, the more comprehensive the programs which Signatory Governments submit to it.

C. In the allocation by the Inter-Allied Reparation Agency of items declared available for reparation (other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany), the following general principles shall serve as guides:

(i) Any item or related group of items in which a claimant country has a substantial prewar financial interest shall be allocated to that country if it so desires. Where two or more claimants have such substantial interests in a particular item or group of items, the criteria stated below shall guide the allocation:

(ii) If the allocation between competing claimants is not determined by paragraph (i), attention shall be given, among other relevant factors, to the following considerations:

a. The urgency of each claimant country's needs for the items or item to rehabilitate, reconstruct or restore to full activity the claimant country's economy;

b. The extent to which the item or items would replace property which was destroyed, damaged or looted in the war, or requires replacement because of excessive wear in war production, and which is important to the claimant country's economy;

c. The relation of the item or items to the general pattern of the claimant country's prewar economic life and to programs for its postwar economic adjustment or development;

d. The requirements of countries whose reparation shares are small but which are in need of certain specific items or categories of items.

(iii) In making allocations a reasonable balance shall be maintained among the rates at which the reparation shares of the several claimant Governments are satisfied, subject to such temporary exceptions as are justified by the considerations under paragraph (ii) (*a*) above.

ARTICLE 5

General Principles for the Allocation of Merchant Ships and Inland Water Transport

A. (i) German merchant ships available for distribution as reparation among the Signatory Governments shall be distributed among them in proportion to the respective over-all losses of merchant shipping, on a gross tonnage basis, of the Signatory Governments and their nationals through acts of war. It is recognized that transfers of merchant ships by the United Kingdom and United States Governments to other Governments are subject to such final approvals by the legislatures of the United Kingdom and United States of America as may be required.

(ii) A special committee, composed of representatives of the Signatory Governments, shall be appointed by the assembly of the Inter-Allied Reparation Agency to make recommendations concerning the determination of such losses and the allocation of German merchant ships available for distribution.

(iii) The value of German merchant ships for reparation accounting purposes shall be the value determined by the Tri-partite Merchant Marine Commission in terms of 1938 prices in Germany plus 15 per cent, with an allowance for depreciation.

B. Recognizing that some countries have special need for inland water transport, the distribution of inland water transport shall be dealt with by a special committee appointed by the Assembly of the Inter-Allied Reparation Agency in the event that inland water transport becomes available at a future time as reparation for the Signatory Governments.

The valuation of inland water transport will be made on the basis adopted for the valuation of merchant ships or on an equitable basis in relation to that adopted for merchant ships.

ARTICLE 6

German External Assets

A. Each Signatory Government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets (net of accrued taxes, liens, expenses of administration, other *in rem* charges against specific items and legitimate contract claims against the German former owners of such assets).

B. The Signatory Governments shall give to the Inter-Allied Reparation Agency all information for which it asks as to the value of such assets and the amounts realized from time to time by their liquidation.

C. German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The net proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account.

D. In applying the provisions of paragraph A above, assets which were the property of a country which is a member of the United Nations or its nationals who were not nationals of Germany at the time of the occupation or annexation of this country by Germany, or of its entry into war, shall not be charged to its reparation account. It is understood that this provision in no way prejudices any questions which may arise as regards assets which were not the property of a national of the country concerned at the time of the latter's occupation or annexation by Germany or of its entry into war.

E. The German enemy assets to be charged against reparation shares shall include assets which are in reality German enemy assets, despite the fact that the nominal owner of such assets is not a German enemy.

Each Signatory Government shall enact legislation or take other appropriate steps, if it has not already done so, to render null and void all transfers made, after the occupation of its territory or its entry into war, for the fraudulent purpose of cloaking German enemy interests, and thus saving them harmless from the effect of control measures regarding German enemy interests.

F. The Assembly of the Inter-Allied Reparation Agency shall set up a Committee of Experts in matters of enemy property custodianship in order to overcome practical difficulties of law and interpretation which may arise. The Committee should in particular guard against schemes which might result in effecting fictitious or other transactions designed to favour enemy interests, or to reduce improperly the amount of assets which might be allocated to reparation.

ARTICLE 7

Captured Supplies

The value of supplies and other materials susceptible of civilian use captured from the German Armed Forces in areas outside Germany and delivered to Signatory Governments shall be charged against their reparation shares in so far as such supplies and materials have not been or are not, in the future either paid for or delivered under arrangements precluding any charge.

It is recognized that transfers of such supplies and materials by the United Kingdom and United States Governments to other Governments are agreed to be subject to such final approval by the legislature of the United Kingdom or the United States of America as may be required.

ARTICLE 8

Allocation of a Reparation Share to Nonrepatriable Victims of German Action

In recognition of the fact that large numbers of persons have suffered heavily at the hands of the Nazis and now stand in dire need of aid to promote their rehabilitation but will be unable to claim the assistance of any Government receiving reparation from Germany, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, shall as soon as possible work out in common agreement a plan on the following general lines:

A. A share of reparation consisting of all the non-monetary gold found by the Allied Armed Forces in Germany and in addition a sum not exceeding 25 million dollars shall be allocated for the rehabilitation and resettlement of non-repatriable victims of German action.

B. The sum of 25 million dollars shall be met from a portion of the proceeds of German assets in neutral countries which are available for reparation.

C. Governments of neutral countries shall be requested to make available for this purpose (in addition to the sum of 25 million dollars) assets in such countries of victims of Nazi action who have since died and left no heirs.

D. The persons eligible for aid under the plan in question shall be restricted to true victims of Nazi persecution and to their immediate families and dependents, in the following classes:

(i) Refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions;

(ii) German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of humanity to

assist such persons to emigrate and providing they emigrate to other countries within a reasonable period;

(iii) Nationals of countries formerly occupied by the Germans who cannot be repatriated or are not in a position to be repatriated within a reasonable time. In order to concentrate aid on the most needy and deserving refugees and to exclude persons whose loyalty to the United Nations is or was doubtful, aid shall be restricted to nationals or former nationals of previously occupied countries who were victims of German concentration camps or of concentration camps established by regimes under Nazi influence but not including persons who have been confined only in prisoners of war camps.

E. The sums made available under paragraphs A and B above shall be administered by the Inter-Governmental Committee on Refugees or by a United Nations Agency to which appropriate functions of the Inter-Governmental Committee may in the future be transferred. The sums made available under paragraph C above shall be administered for the general purposes referred to in this Article under a program of administration to be formulated by the five Governments named above.

F. The non-monetary gold found in Germany shall be placed at the disposal of the Inter-Governmental Committee on Refugees as soon as a plan has been worked out as provided above.

G. The Inter-Governmental Committee on Refugees shall have power to carry out the purposes of the fund through appropriate public and private field organisations.

H. The fund shall be used, not for the compensation of individual victims, but to further the rehabilitation or resettlement of persons in the eligible classes.

I. Nothing in this Article shall be considered to prejudice the claims which individual refugees may have against a future German Government, except to the amount of the benefits that such refugees may have received from the sources referred to in paragraph A and C above.

PART II

INTER-ALLIED REPARATION AGENCY

ARTICLE 1

Establishment of the Agency

The Governments Signatory to the present Agreement hereby establish an Inter-Allied Reparation Agency (hereinafter referred to as "The Agency"). Each Government shall appoint a Delegate to the Agency and shall also be entitled to appoint an Alternate who, in the absence of the Delegate, shall be entitled to exercise all the functions and rights of the Delegate.

ARTICLE 2

Functions of the Agency

A. The Agency shall allocate German reparation among the Signatory Governments in accordance with the provisions of this Agreement and of any other agreements from time to time in force among the Signatory Governments. For this purpose, the Agency shall be the medium through which the Signatory Governments receive information concerning, and express their wishes in regard to, items available as reparation.

B. The Agency shall deal with all questions relating to the restitution to a Signatory Government of property situated in one of the Western Zones of Germany which may be referred to it by the Commander of that Zone (acting on behalf of his Government), in agreement with the claimant Signatory Government or Governments, without prejudice, however, to the settlement of such questions by the Signatory Governments concerned either by agreement or arbitration.

ARTICLE 3

Internal Organisation of the Agency

A. The organs of the Agency shall be the Assembly and the Secretariat.

B. The Assembly shall consist of the Delegates and shall be presided over by the President of the Agency. The President of the Agency shall be the Delegate of the Government of France.

C. The Secretariat shall be under the direction of a Secretary General, assisted by two Deputy Secretaries General. The Secretary General and the two Deputy Secretaries General shall be appointed by the Governments of France, the United States of America and the United Kingdom. The Secretariat shall be international in character. It shall act for the Agency and not for the individual Signatory Governments.

ARTICLE 4

Functions of the Secretariat

The Secretariat shall have the following functions:

A. To prepare and submit to the Assembly programs for the allocation of German reparation;

B. To maintain detailed accounts of assets available for, and of assets distributed as, German reparation;

C. To prepare and submit to the Assembly the budget of the Agency;

D. To perform such other administrative functions as may be required.

ARTICLE 5

Functions of the Assembly

Subject to the provisions of Articles 4 and 7 of Part II of this Agreement, the Assembly shall allocate German reparation among the Signatory Gov-

ernments in conformity with the provisions of this Agreement and of any other agreements from time to time in force among the Signatory Governments. It shall also approve the budget of the Agency and shall perform such other functions as are consistent with the provisions of this Agreement.

ARTICLE 6

Voting in the Assembly

Except as otherwise provided in this Agreement, each Delegate shall have one vote. Decisions in the Assembly shall be taken by a majority of the votes cast.

ARTICLE 7

Appeal from Decisions of the Assembly

A. When the Assembly has not agreed to a claim presented by a Delegate that an item should be allocated to his Government, the Assembly shall, at the request of that Delegate and within the time limit prescribed by the Assembly, refer the question to arbitration. Such reference shall suspend the effect of the decision of the Assembly on that item.

B. The Delegates of the Government claiming an item referred to arbitration under paragraph A above shall elect an Arbitrator from among the other Delegates. If agreement cannot be reached upon the selection of an Arbitrator, the United States Delegate shall either act as Arbitrator or appoint as Arbitrator another Delegate from among the Delegates whose Governments are not claiming the item. If the United States Government is one of the claimant Governments, the President of the Agency shall appoint as Arbitrator a Delegate whose Government is not a claimant Government.

ARTICLE 8

Powers of the Arbitrator

When the question of the allocation of any item is referred to arbitration under Article 7 of Part II of this Agreement, the Arbitrator shall have authority to make final allocation of the item among the claimant Governments. The Arbitrator may, at his discretion, refer the item to the Secretariat for further study. He may also, at his discretion, require the Secretariat to resubmit the item to the Assembly.

ARTICLE 9

Expenses

A. The salaries and expenses of the Delegates and of their staffs shall be paid by their own Governments.

B. The common expenses of the Agency shall be met from the funds of the Agency. For the first two years from the date of the establishment of the Agency, these funds shall be contributed in proportion to the percentage

shares of the Signatory Governments in Category B and thereafter in proportion to their percentage in Category A.

C. Each Signatory Government shall contribute its share in the budget of the Agency for each budgetary period (as determined by the Assembly) at the beginning of that period; provided that each Government shall, when this Agreement is signed on its behalf, contribute a sum equivalent to not less than its Category B percentage share of £50,000 and shall, within three months thereafter, contribute the balance of its share in the budget of the Agency for the budgetary period in which this Agreement is signed on its behalf.

D. All contributions by the Signatory Governments shall be made in Belgian francs or such other currency or currencies as the Agency may require.

ARTICLE 10

Voting of the Budget

In considering the budget of the Agency for any budgetary period, the vote of each Delegate in the Assembly shall be proportional to the share of the budget for that period payable by his Government.

ARTICLE 11

Official Language

The official languages of the Agency shall be English and French.

ARTICLE 12

Offices of the Agency

The seat of the Agency shall be in Brussels. The Agency shall maintain liaison offices in such other places as the Assembly, after obtaining the necessary consents, may decide.

ARTICLE 13

Withdrawal

Any Signatory Government, other than a Government which is responsible for the control of a part of German territory, may withdraw from the Agency after written notice to the Secretariat.

ARTICLE 14

Amendments and Termination

This Part II of the Agreement can be amended or the Agency terminated by a decision in the Assembly of the majority of the Delegates voting, provided that the Delegates forming the majority represent Governments whose shares constitute collectively not less than 80 per cent of the aggregate of the percentage shares in category A.

ARTICLE 15

Legal capacity. Immunities and Privileges

The Agency shall enjoy in the territory of each Signatory Government such legal capacity and such privileges, immunities and facilities, as may be necessary for the exercise of its functions and the fulfilment of its purpose. The representatives of the Signatory Governments and the officials of the Agency shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Agency.

PART III⁶

RESTITUTION OF MONETARY GOLD

SINGLE ARTICLE

A. All the monetary gold found in Germany by the Allied Forces and that referred to in paragraph G below (including gold coins, except those of numismatic or historical value, which shall be restored directly if identifiable) shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting or by wrongful removal to Germany.

B. Without prejudice to claims by way of reparation for unrestored gold, the portion of monetary gold thus accruing to each country participating in the pool shall be accepted by that country in full satisfaction of all claims against Germany for restitution of monetary gold.

C. A proportional share of the gold shall be allocated to each country concerned which adheres to this arrangement for the restitution of monetary gold and which can establish that a definite amount of monetary gold belonging to it was looted by Germany or, at any time after March 12th, 1938, was wrongfully removed into German territory.

D. The question of the eventual participation of countries not represented at the Conference (other than Germany but including Austria and Italy) in the above mentioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they were eventually admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

E. The various countries participating in the pool shall supply to the Governments of the United States of America, France and the United Kingdom, as the occupying Powers concerned, detailed and verifiable data regarding the gold losses suffered through looting by, or removal to, Germany.

⁶ For an announcement of Sept. 27, 1946, regarding establishment of the Tripartite Commission for the Restitution of Monetary Gold, in implementation of Part III, see *Department of State Bulletin*, Sept. 29, 1946, p. 563.

F. The Governments of the United States of America, France and the United Kingdom shall take appropriate steps within the Zones of Germany occupied by them respectively to implement distribution in accordance with the foregoing provisions.

G. Any monetary gold which may be recovered from a third country to which it was transferred from Germany shall be distributed in accordance with this arrangement for the restitution of monetary gold.

PART IV

ENTRY INTO FORCE AND SIGNATURE

ARTICLE 1

Entry into force

This Agreement shall be open for signature on behalf of any Government represented at the Paris Conference on Reparation.

As soon as it has been signed on behalf of Governments collectively entitled to not less than 80 p. 100 of the aggregate of shares in Category A of German reparation, it shall come into force among such Signatory Governments.

The Agreement shall thereafter be in force among such Governments and those Governments on whose behalf it is subsequently signed.

ARTICLE 2

Signature

The signature of each contracting Government shall be deemed to mean that the effect of the present Agreement extends to the colonies and overseas territories of such Government, and to territories under its protection or suzerainty or over which it at present exercises a mandate.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed in Paris the present Agreement in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, a certified copy thereof being furnished by that Government to each signatory Government.

March 14, 1946.....	For Albania,	KAHREMAN YLLI
January 14, 1946.....	For the United States of America,	JEFFERSON CAFFERY
February 25, 1946.....	For Australia,	W. R. HODGSON
January 14, 1946.....	For Belgium,	GUILLAUME
January 30, 1946.....	For Canada,	GEORGE P. VANIER
February 20, 1946.....	For Denmark,	J. C. W. KRUSE
March 8, 1946.....	For Egypt,	FAHKRY-PACHA
January 14, 1946.....	For France,	BIDAULT

January 14, 1946.....	For the United Kingdom of Great Britain and Northern Ireland,	DUFF COOPER
January 24, 1946.....	For Greece,	P. A. ARGYROPOULO
February 25, 1946.....	For India,	P. CHAUDHURI
These signatures are appended in agreement with His Britannic Majesty's representative for the exercise of the functions of the Crown in its relation with the Indian States.		
January 14, 1946.....	For Luxembourg,	A. FUNCK
February 6, 1946.....	For Norway,	LUDWIG AUBERT
February 20, 1946.....	For New Zealand,	W. CLINKARD
January 14, 1946.....	For the Netherlands,	E. STAR-BUSMANN
February 27, 1946.....	For Czechoslovakia,	JNDRICH NOSEK
February 28, 1946.....	For the Union of South Africa,	DUFF COOPER
February 4, 1946.....	For Yugoslavia,	MARKO RISTIC

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

*Special proclamation by the Supreme Commander for the Allied Powers at Tokyo January 19, 1946; charter dated January 19, 1946; amended charter dated April 26, 1946
Tribunal established January 19, 1946*

Treaties and Other International
Acts Series 1589

SPECIAL PROCLAMATION

ESTABLISHMENT OF AN INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Whereas, the United States and the Nations allied therewith in opposing the illegal wars of aggression of the Axis Nations, have from time to time made declarations of their intentions that war criminals should be brought to justice;

Whereas, the Governments of the Allied Powers at war with Japan on the 26th July 1945 at Potsdam, declared as one of the terms of surrender that stern justice shall be meted out to all war criminals including those who have visited cruelties upon our prisoners;¹

Whereas, by the Instrument of Surrender of Japan executed at Tokyo Bay, Japan, on the 2nd September 1945,² the signatories for Japan, by command of and in behalf of the Emperor and the Japanese Government, accepted the terms set forth in such Declaration at Potsdam;

Whereas, by such Instrument of Surrender, the authority of the Emperor and the Japanese Government to rule the state of Japan is made subject to the Supreme Commander for the Allied Powers, who is authorized to take such steps as he deems proper to effectuate the terms of surrender;

Whereas, the undersigned has been designated by the Allied Powers as Supreme Commander for the Allied Powers to carry into effect the general surrender of the Japanese armed forces;

¹ *Ante*, vol. 3, p. 1205.

² EAS 493, *ante*, vol. 3, p. 1251.

Whereas, the Governments of the United States, Great Britain and Russia at the Moscow Conference, 26th December 1945,³ having considered the effectuation by Japan of the Terms of Surrender, with the concurrence of China have agreed that the Supreme Commander shall issue all Orders for the implementation of the Terms of Surrender.

Now, therefore, I, Douglas MacArthur, as Supreme Commander for the Allied Powers, by virtue of the authority so conferred upon me, in order to implement the Term of Surrender which requires the meting out of stern justice to war criminals, do order and provide as follows:

ARTICLE 1. There shall be established an International Military Tribunal for the Far East for the trial of those persons charged individually, or as members of organizations, or in both capacities, with offenses which include crimes against peace.

ARTICLE 2. The Constitution, jurisdiction and functions of this Tribunal are those set forth in the Charter of the International Military Tribunal for the Far East, approved by me this day.

ARTICLE 3. Nothing in this Order shall prejudice the jurisdiction of any other international, national or occupation court, commission or other tribunal established or to be established in Japan or in any territory of a United Nation with which Japan has been at war, for the trial of war criminals.

Given under my hand at Tokyo, this 19th day of January, 1946.

DOUGLAS MACARTHUR
General of the Army, United States Army
Supreme Commander for the Allied Powers

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

GENERAL ORDERS }
NO.-----1 }

APO 500
19 January 1946

CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Proclamation of the Supreme Commander for the Allied Powers dated 19 January 1946 established an International Military Tribunal for the Far East. Charter of this Tribunal is as follows:

SECTION I

CONSTITUTION OF TRIBUNAL

ARTICLE 1. *Tribunal Established.* The International Military Tribunal for the Far East is hereby established for the just and prompt trial and

³ TIAS 1555, *ante*, vol. 3, p. 1341.

punishment of the major war criminals in the Far East. The permanent seat of the Tribunal is in Tokyo.

ARTICLE 2. *Members.* The Tribunal shall consist of not less than five nor more than nine Members, appointed by the Supreme Commander for the Allied Powers from the names submitted by the Signatories to the Instrument of Surrender.

ARTICLE 3. *Officers and Secretariat.*

a. President. The Supreme Commander for the Allied Powers shall appoint a Member to be President of the Tribunal.

b. Secretariat.

(1) The Secretariat of the Tribunal shall be composed of a General Secretary to be appointed by the Supreme Commander for the Allied Powers and such assistant secretaries, clerks, interpreters, and other personnel as may be necessary.

(2) The General Secretary shall organize and direct the work of the Secretariat.

(3) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of the Tribunal, provide necessary clerical services to the Tribunal and its Members, and perform such other duties as may be designated by the Tribunal.

ARTICLE 4. *Quorum and Voting.*

a. Quorum. The presence of a majority of all Members shall be necessary to constitute a quorum.

b. Voting. All decisions and judgments of this Tribunal, including convictions and sentences, shall be by a majority vote of those Members of the Tribunal present. In case the votes are evenly divided, the vote of the President shall be decisive.

SECTION II

JURISDICTION AND GENERAL PROVISIONS

ARTICLE 5. *Jurisdiction Over Persons and Offenses.* The Tribunal shall have the power to try and punish Far Eastern war criminals who as individuals or as members of organizations are charged with offenses which include Crimes against Peace. 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, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

b. Conventional War Crimes: Namely, violations of the laws or customs of war;

c. Crimes against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political or racial 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 person in execution of such plan.

ARTICLE 6. *Responsibility of Accused*. Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to order of his government or of a superior shall, of itself, be sufficient to free such accused from responsibility for any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

ARTICLE 7. *Rules of Procedure*. The Tribunal may draft and amend rules of procedure consistent with the fundamental provisions of this Charter.

ARTICLE 8. *Counsel*.

a. Chief of Counsel. The Chief of Counsel designated by the Supreme Commander for the Allied Powers is responsible for the investigation and prosecution of charges against war criminals within the jurisdiction of this Tribunal, and will render such legal assistance to the Supreme Commander as is appropriate.

b. Associate Counsel. Any United Nation with which Japan has been at war may appoint an Associate Counsel to assist the Chief of Counsel.

SECTION III

FAIR TRIAL FOR ACCUSED

ARTICLE 9. *Procedure for Fair Trial*. In order to insure fair trial for the accused, the following procedure shall be followed:

a. Indictment. The indictment shall consist of a plain, concise and adequate statement of each offense charged. Each accused shall be furnished in adequate time for defense a copy of the indictment, including any amendment, and of this Charter, in a language understood by the accused.

b. Hearing. During the trial or any preliminary proceedings the accused shall have the right to give any explanation relevant to the charges made against him.

c. Language. The trial and related proceedings shall be conducted in English and in the language of the accused. Translations of documents and other papers shall be provided as needed and requested.

d. Counsel for Accused. Each accused shall be represented by counsel of his own selection, subject to disapproval of such counsel at any time by the Tribunal. The accused shall file with the General Secretary of the Tribunal the name of his counsel or of counsel whom he desires the Tribunal to appoint. If an accused is not represented by counsel, the Tribunal shall designate counsel for him.

e. Evidence for Defense. An accused shall have the right through himself or through his counsel to present evidence at the trial in support of his defense, and to examine any witness called by the prosecution, subject to such reasonable restrictions as the Tribunal may determine.

f. Production of Evidence for the Defense. An accused may apply in writing to the Tribunal for the production of witnesses or of documents. The application shall state where the witness or document is thought to be located. It shall also state the facts proposed to be proved by the witness or the document and the relevancy of such facts to the defense. If the Tribunal grants the application, the Tribunal shall be given such aid in obtaining production of the evidence as the circumstances require.

ARTICLE 10. *Applications and Motions before Trial.* All motions, applications or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal for action by the Tribunal.

SECTION IV

POWERS OF TRIBUNAL AND CONDUCT OF TRIAL

ARTICLE 11. *Powers.* The Tribunal shall have the power:

a. To summon witnesses to the trial, to require them to attend and testify, and to question them.

b. To interrogate each accused and to permit comment on his refusal to answer any question.

c. To require the production of documents and other evidentiary material.

d. To require of each witness an oath, affirmation, or such declaration as is customary in the country of the witness, and to administer oaths.

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 12. *Conduct of Trial.* 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 would cause any unreasonable delay and rule out irrelevant issues and statements of any kind whatsoever.

c. Provide for the maintenance of order at the trial and deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any accused or his counsel from some or all further proceedings, but without prejudice to the determination of the charges.

d. Determine the mental and physical capacity of any accused to proceed to trial.

ARTICLE 13. *Evidence.*

a. Admissibility. 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. All purported admissions or statements of the accused are admissible.

b. Relevance. The Tribunal may require to be informed of the nature of any evidence before it is offered in order to rule upon the relevance.

c. Specific evidence admissible. In particular, and without limiting in any way the scope of the forgoing general rules, the following evidence may be admitted:

(1) A document, regardless of its security classification and without proof of its issuance or signature, which appears to the Tribunal to have been signed or issued by any officer, department, agency or member of the armed forces of any government.

(2) A report which appears to the Tribunal to have been signed or issued by the International Red Cross or a member thereof, or by a doctor of medicine or any medical service personnel, or by an investigator or intelligence officer, or by any other person who appears to the Tribunal to have personal knowledge of the matters contained in the report.

(3) An affidavit, deposition or other signed statement.

(4) A diary, letter or other document, including sworn or unsworn statements, which appear to the Tribunal to contain information relating to the charge.

(5) A copy of a document or other secondary evidence of its contents, if the original is not immediately available.

d. Judicial Notice. The Tribunal shall not require proof of facts of common knowledge, nor of the authenticity of official government documents and reports of any nation or of the proceedings, records and findings of military or other agencies of any of the United Nations.

e. Records, Exhibits and Documents. The transcript of the proceedings, and exhibits and documents submitted to the Tribunal, will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

ARTICLE 14. *Place of Trial.* The first trial will be held at Tokyo and any subsequent trials will be held at such places as the Tribunal decides.

ARTICLE 15. *Course of Trial Proceedings.* The proceedings at the Trial will take the following course:

a. The indictment will be read in court unless the reading is waived by all accused.

b. The Tribunal will ask each accused whether he pleads "guilty" or "not guilty".

c. The prosecution and each accused may make a concise opening statement.

d. The prosecution and defense may offer evidence and the admissibility of the same shall be determined by the Tribunal.

e. The prosecution and counsel for the accused may examine each witness and each accused who gives testimony.

f. Counsel for the accused may address the Tribunal.

g. The prosecution may address the Tribunal.

h. The Tribunal will deliver judgment and pronounce sentence.

SECTION V

JUDGMENT AND SENTENCE

ARTICLE 16. *Penalty.* The Tribunal shall have the power to impose upon an accused, on conviction, death or such other punishment as shall be determined by it to be just.

ARTICLE 17. *Judgment and Review.* The judgment will be announced in open court and will give the reasons on which it is based. The record of the trial will be transmitted directly to the Supreme Commander for the Allied Powers for his action thereon. A sentence will be carried out in accordance with the Order of the Supreme Commander for the Allied Powers, who may at any time reduce or otherwise alter the sentence except to increase its severity.

By command of General MACARTHUR:

RICHARD J. MARSHALL
Major General, General Staff Corps
Chief of Staff

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

GENERAL ORDERS }
NO.-----20 }

APO 500
26 April 1946

General Orders No. 1, General Headquarters, Supreme Commander for the Allied Powers, 19 January 1946, subject as below, is superseded. The Charter of the International Military Tribunal for the Far East established by Proclamation of the Supreme Commander for the Allied Powers, 19 January 1946, is amended, and as amended, reads as follows:

CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

SECTION I

CONSTITUTION OF TRIBUNAL

ARTICLE 1. *Tribunal Established.* The International Military Tribunal for the Far East is hereby established for the just and prompt trial and punishment of the major war criminals in the Far East. The permanent seat of the Tribunal is in Tokyo.

ARTICLE 2. *Members.* The Tribunal shall consist of not less than six members nor more than eleven members, appointed by the Supreme Commander for the Allied Powers from the names submitted by the Signatories to the Instrument of Surrender, India, and the Commonwealth of the Philippines.

ARTICLE 3. *Officers and Secretariat.*

a. President. The Supreme Commander for the Allied Powers shall appoint a Member to be President of the Tribunal.

b. Secretariat.

(1) The Secretariat of the Tribunal shall be composed of a General Secretary to be appointed by the Supreme Commander for the Allied Powers and such assistant secretaries, clerks, interpreters, and other personnel as may be necessary.

(2) The General Secretary shall organize and direct the work of the Secretariat.

(3) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of the Tribunal, provide necessary clerical services to the Tribunal and its members, and perform such other duties as may be designated by the Tribunal.

ARTICLE 4. *Convening and Quorum, Voting, and Absence.*

a. Convening and Quorum. When as many as six members of the Tribunal are present, they may convene the Tribunal in formal session. The presence of a majority of all members shall be necessary to constitute a quorum.

b. Voting. All decisions and judgments of this Tribunal, including convictions and sentences, shall be by a majority vote of those members of the Tribunal present. In case the votes are evenly divided, the vote of the President shall be decisive.

c. Absence. If a member at any time is absent and afterwards is able to be present, he shall take part in all subsequent proceedings; unless he declares in open court that he is disqualified by reason of insufficient familiarity with the proceedings which took place in his absence.

SECTION II

JURISDICTION AND GENERAL PROVISIONS

ARTICLE 5. *Jurisdiction Over Persons and Offenses*. The Tribunal shall have the power to try and punish Far Eastern war criminals who as individuals or as members of organizations are charged with offenses which include Crimes against Peace. 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, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

b. Conventional War Crimes: Namely, violations of the laws or customs of war;

c. Crimes against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed before or during the war, or persecutions on political or racial 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 person in execution of such plan.

ARTICLE 6. *Responsibility of Accused*. Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to order of his government or of a superior shall, of itself, be sufficient to free such accused from responsibility for any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

ARTICLE 7. *Rules of Procedure*. The Tribunal may draft and amend rules of procedure consistent with the fundamental provisions of this Charter.

ARTICLE 8. *Counsel.*

a. Chief of Counsel. The Chief of Counsel designated by the Supreme Commander for the Allied Powers is responsible for the investigation and prosecution of charges against war criminals within the jurisdiction of this Tribunal and will render such legal assistance to the Supreme Commander as is appropriate.

b. Associate Counsel. Any United Nation with which Japan has been at war may appoint an Associate Counsel to assist the Chief of Counsel.

SECTION III

FAIR TRIAL FOR ACCUSED

ARTICLE 9. *Procedure for Fair Trial.* In order to insure fair trial for the accused the following procedure shall be followed:

a. Indictment. The indictment shall consist of a plain, concise, and adequate statement of each offense charged. Each accused shall be furnished, in adequate time for defense, a copy of the indictment, including any amendment, and of this Charter, in a language understood by the accused.

b. Language. The trial and related proceedings shall be conducted in English and in the language of the accused. Translations of documents and other papers shall be provided as needed and requested.

c. Counsel for Accused. Each accused shall have the right to be represented by counsel of his own selection, subject to the disapproval of such counsel at any time by the Tribunal. The accused shall file with the General Secretary of the Tribunal the name of his counsel. If an accused is not represented by counsel and in open court requests the appointment of counsel, the Tribunal shall designate counsel for him. In the absence of such request the Tribunal may appoint counsel for an accused if in its judgment such appointment is necessary to provide for a fair trial.

d. Evidence for Defense. An accused shall have the right, through himself or through his counsel (but not through both), to conduct his defense, including the right to examine any witness, subject to such reasonable restrictions as the Tribunal may determine.

e. Production of Evidence for the Defense. An accused may apply in writing to the Tribunal for the production of witnesses or of documents. The application shall state where the witness or document is thought to be located. It shall also state the facts proposed to be proved by the witness or the document and the relevancy of such facts to the defense. If the Tribunal grants the application the Tribunal shall be given such aid in obtaining production of the evidence as the circumstances require.

ARTICLE 10. *Applications and Motions before Trial.* All motions, applications, or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal for action by the Tribunal.

SECTION IV

POWERS OF TRIBUNAL AND CONDUCT OF TRIAL

ARTICLE 11. *Powers.* The Tribunal shall have the power:

- a. To summon witnesses to the trial, to require them to attend and testify, and to question them.
- b. To interrogate each accused and to permit comment on his refusal to answer any question.
- c. To require the production of documents and other evidentiary material.
- d. To require of each witness an oath, affirmation, or such declaration as is customary in the country of the witness, and to administer oaths.
- 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 12. *Conduct of Trial.* 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 would cause any unreasonable delay and rule out irrelevant issues and statements of any kind whatsoever.
- c. Provide for the maintenance of order at the trial and deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any accused or his counsel from some or all further proceedings, but without prejudice to the determination of the charges.
- d. Determine the mental and physical capacity of any accused to proceed to trial.

ARTICLE 13. *Evidence.*

- a. Admissibility. 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. All purported admissions or statements of the accused are admissible.
- b. Relevance. The Tribunal may require to be informed of the nature of any evidence before it is offered in order to rule upon the relevance.
- c. Specific evidence admissible. In particular, and without limiting in any way the scope of the foregoing general rules, the following evidence may be admitted:

(1) A document, regardless of its security classification and without proof of its issuance or signature, which appears to the Tribunal to have been signed or issued by any officer, department, agency or member of the armed forces of any government.

(2) A report which appears to the Tribunal to have been signed or issued by the International Red Cross or a member thereof, or by a doctor of medicine or any medical service personnel, or by an investigator or intelligence officer, or by any other person who appears to the Tribunal to have personal knowledge of the matters contained in the report.

(3) An affidavit, deposition or other signed statement.

(4) A diary, letter or other document, including sworn or unsworn statements, which appear to the Tribunal to contain information relating to the charge.

(5) A copy of a document or other secondary evidence of its contents, if the original is not immediately available.

d. Judicial Notice. The Tribunal shall neither require proof of facts of common knowledge, nor of the authenticity of official government documents and reports of any nation or of the proceedings, records, and findings of military or other agencies of any of the United Nations.

e. Records, Exhibits, and Documents. The transcript of the proceedings, and exhibits and documents submitted to the Tribunal, will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

ARTICLE 14. *Place of Trial.* The first trial will be held at Tokyo, and any subsequent trials will be held at such places as the Tribunal decides.

ARTICLE 15. *Course of Trial Proceedings.* The proceedings at the Trial will take the following course:

a. The indictment will be read in court unless the reading is waived by all accused.

b. The Tribunal will ask each accused whether he pleads "guilty" or "not guilty".

c. The prosecution and each accused (by counsel only, if represented) may make a concise opening statement.

d. The prosecution and defense may offer evidence, and the admissibility of the same shall be determined by the Tribunal.

e. The prosecution and each accused (by counsel only, if represented) may examine each witness and each accused who gives testimony.

f. Accused (by counsel only, if represented) may address the Tribunal.

g. The prosecution may address the Tribunal.

h. The Tribunal will deliver judgment and pronounce sentence.

SECTION V

JUDGMENT AND SENTENCE

ARTICLE 16. *Penalty.* The Tribunal shall have the power to impose upon an accused, on conviction, death, or such other punishment as shall be determined by it to be just.

ARTICLE 17. *Judgment and review.* The judgment will be announced in open court and will give the reasons on which it is based. The record of the trial will be transmitted directly to the Supreme Commander for the Allied Powers for his action. Sentence will be carried out in accordance with the Order of the Supreme Commander for the Allied Powers, who may at any time reduce or otherwise alter the sentence, except to increase its severity.

By command of General MACARTHUR:

RICHARD J. MARSHALL
Major General, General Staff Corps
Chief of Staff

COORDINATED CONTROL OF MERCHANT SHIPPING

Recommendations approved by the United Maritime Executive Board at London February 11, 1946; notification of United States acceptance of Parts A and B dated March 5, 1946

Effective March 3, 1946

Expired October 31, 1946

61 Stat. 3791; Treaties and Other International Acts Series 1723

RECOMMENDATIONS

The United Maritime Executive Board during its Fourth and final Session being unanimously of the opinion that the return to normal processes of international shipping should not be retarded nevertheless recognizes that certain difficulties and problems might arise in the shipping situation after the termination on March 2nd next of the Agreement on Principles of August, 1944,¹ and believes that it would be desirable for Governments to take measures during a limited transitional period to the end that such problems might be resolved and difficulties minimised. Accordingly they have agreed upon the following Recommendations for the consideration of contracting Governments:

PART "A"

1. That all nations who have regularly contributed tonnage to the common tasks shall continue to provide shipping for the common tasks of relief and rehabilitation.

Arrangements for dry cargo from U.S. and Canadian Loading Areas

2. That a Contributory Nations Committee consisting of representatives of nations contributing tonnage to provide shipping space for relief and rehabilitation programmes from the United States and Canada shall be established in Washington.

3. That UNRRA [United Nations Relief and Rehabilitation Administration] and liberated nations requiring assistance from the Contributory Pool referred to in (4) below, shall programme their shipping requirements and

¹ TIAS 1722, *ante*, vol. 3, p. 891.

submit them to the Washington Committee established in (2) above. The procedure to be followed is set out in the Appendix.

4. That at the outset of the agreement each contributory nation shall declare to the Washington Committee the maximum and minimum monthly sailings or tonnage it will contribute for the period of the agreement. The tonnage thus contributed is referred to herein as the Contributory Pool.

Arrangements for dry cargo from other Loading Areas

5. That a Co-ordinating and Review Committee representative of Nations accepting Part "A" of this agreement shall be set up in London.

This Committee:

(a) shall consider U.N.R.R.A.'s requirements for loading in areas other than the United States and Canada. The nations accepting Part "A" of this agreement recognise the necessity for meeting such requirements to the best of their ability and through their representatives on the Committee shall co-ordinate the provision of tonnage they are able to make available for these programmes.

(b) shall keep the tonnage situation in loading areas other than the United States and Canada constantly under review. Recognising the necessity for an adequate supply of tonnage for loading in these areas the nations represented shall authorise the Committee to consider and recommend the measures that shall be taken to assist the fulfilment of the programmes affected in the event that normal commercial channels are failing to ensure an adequate supply of tonnage.

General

6. That nations needing shipping assistance other than that secured from the Contributory Pool, shall make suitable arrangements for the procurement of tonnage through commercial channels or may request it from other nations. The nations from whom tonnage is requested shall make all reasonable efforts to make available the requested shipping space at fair, reasonable and compensatory rates, subject to the reservation that they need not supply such tonnage if it is to be used in a manner contrary to the interests of the nation upon whom the request has been made.

APPENDIX TO PART "A"

1. To maintain without interruption the maximum flow of relief and rehabilitation cargoes from the United States and Canada, a Contributory Nations' Committee shall be established in Washington as provided in (2) of Part "A".

2. With respect to loadings from Canadian ports, the Washington Committee shall collaborate with a Canadian Sub-Committee to be established in Montreal.

3. U.N.R.R.A. and each liberated Nation requiring shipping assistance for the carriage of such cargoes, shall submit to this Committee by the 1st

of each month, its total programme of cargo loadings in the United States and Canada showing the number of coal, grain or other full, bulk cargoes, and the number of general cargoes programmed for loading during the following month, and estimates in the same form for the next two months. The programme for the specific month should also show the number, nationality, and total cargo capacity of vessels already available to the programming claimant for loading during that month.

4. By the 10th of each month each contributing Nation shall notify the Committee as to the amount of tonnage that it expects to have available, such tonnage to be within the maxima and minima as agreed in accordance with (4) of Part "A", and by the 15th of each month shall confirm the actual tonnage to be supplied against the following month's requirements, such tonnage to be stated separately in liner sailings and in tramps.

5. In arranging and determining the amount of tonnage to be provided under 4 of this Appendix, individual members of the Committee shall at all times communicate direct with their respective Nations, who shall, in considering requests for tonnage to load in the United States and Canada, make every effort to avoid causing a deficiency in the supply of tonnage required for other loading areas.

6. To meet each month's berthing requirements in the United States, the Committee shall allocate all of the agreed available tonnage through the established machinery of the War Shipping Administration, so that appropriate co-ordination with respect to loading facilities, inland transportation and availability of cargoes may be secured and the maximum flow of cargo for the month achieved, together with the most efficient use of the shipping available.

PART "B"

7. That:

(A) accepting Governments should meet periodically for discussions in a United Maritime Consultative Council for the purpose of exchanging information to the end that individual governments may be enabled to frame their own policies in the post-UMA period in the light of the knowledge of the policies of other governments.

(B) the Council may undertake the consideration and study, for the purpose of making appropriate recommendations to member governments, of any problems in the international shipping field, which may be referred to it and which do not come within the terms of reference of other established governmental conferences or associations active in the field.

(C) it is the intention that the shipping industry should collaborate and assist in devising ways and means to implement the common objectives stated in (A) and (B).

(D) meetings of the Council should be held at such times and places as the Council may determine. A chairman for each meeting should be designated

by the Government of the nation where such meeting is to be held. The Council should determine its own procedure.

(E) the United Maritime Consultative Council should have no executive powers.

(F) this part of the agreement should be open for acceptance by governments whether or not they accept Part "A".

PART "C"

8. That the arrangements in Parts "A" and "B" shall remain in effect from 3rd March until 31st October, 1946, unless by unanimous consent of the Governments accepting the respective Parts it is decided to terminate them at an earlier date.

9. That Governments accepting the recommendations in Part "A" and/or Part "B" shall notify their acceptance to the U.S. and U.K. Governments at the earliest possible date and that, as between the Governments notifying their acceptance, the relevant recommendations shall be regarded as an agreement for the period stated in recommendation 8.

10. That other Governments requesting information should be informed of these recommendations to the end that they may participate, if they so desire, by notifying their acceptance of Part "A" and/or part "B", in accordance with recommendation 9.

UNITED STATES ACCEPTANCE

The Secretary of State to the British Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of Great Britain and has the honor to inform the Government of the United Kingdom that the United States of America has accepted Parts "A" and "B" of the recommendations to Contracting Governments appended to a document entitled "U.M.E.B. 4/16 United Maritime Executive Board, Fourth Session, Recommendation to Contracting Governments, Note by the Secretariat", which recommendations were adopted by the United Maritime Executive Board on February 11, 1946 at its Fourth Session in London.

The Secretary of State understands that in accordance with paragraph 9 of Part "C" of the recommendations referred to above, the relevant recommendations shall be regarded as agreed to from March 3, 1946 until October 31, 1946, unless by unanimous consent of the Governments accepting the respective Parts it is decided to terminate them at an earlier date.

DEPARTMENT OF STATE,
Washington, March 5, 1946

JES

[The recommendations were accepted by Australia on September 16, 1946; by Belgium, with a reservation, on March 8, 1946; by Brazil on July 20, 1946; by Canada on

March 19, 1946; by Chile on August 5, 1946; by Denmark on April 11, 1946; by France on April 19, 1946; by Greece on August 8, 1946; by India on March 15, 1946; by the Netherlands on March 18, 1946; by New Zealand on April 11, 1946; by Norway on March 4, 1946; by Poland on May 4, 1946; by South Africa on June 10, 1946; by Sweden, with a reservation, on March 1, 1946; by the United Kingdom on March 6, 1946; and by the United States on March 5, 1946.]

TELECOMMUNICATION: NORTH AMERICAN REGIONAL BROADCASTING

*Interim agreement signed at Washington February 25, 1946, with
annexes*

Entered into force March 29, 1946

Expired March 29, 1949

60 Stat. 1862; Treaties and Other
International Acts Series 1553

INTERIM AGREEMENT (MODUS VIVENDI), CONCLUDED AT THE SECOND NORTH AMERICAN REGIONAL BROADCASTING CONFERENCE, TO REGULATE THE USE OF THE STANDARD BROADCAST BAND IN THE NORTH AMERICAN REGION

The undersigned, duly authorized representatives of the Governments of Canada, Cuba, the Dominican Republic, His Majesty's Government in the United Kingdom in respect of the Bahama Islands, His Majesty's Government in the United Kingdom and the Government of Newfoundland in respect of Newfoundland, the United Mexican States, and the Government of the United States of America, meeting in Washington, D.C., at the Second North American Regional Broadcasting Conference from February 4 to 25, 1946, for the purpose of considering the problems incident to the expiration on March 28, 1946, of the North American Regional Broadcasting Agreement, signed in Habana, Cuba, on December 13, 1937,¹ as well as improvements in the use of the standard broadcast band in the North American Region,

A G R E E :

ARTICLE I

To continue, during the interim period described in Article XVII hereof, the application within their respective jurisdictions of all the provisions of the North American Regional Broadcasting Agreement signed at Habana December 13, 1937, subject to the modifications and additions hereinafter stipulated.

¹ TS 962, *ante*, vol. 3, p. 503.

ARTICLE II

Parts V and VI of the North American Regional Broadcasting Agreement, Habana 1937, are hereby expressly made inapplicable to this Interim Agreement.

ARTICLE III

Cuba agrees to relinquish to the United States of America the use of the clear channel 1540 kc with Class I-A privileges in exchange for the use of the frequency 640 kc in the manner stipulated in Annex 1 hereof.

ARTICLE IV

Cuba shall have the right to use the additional broadcasting facilities detailed in Annex 1 hereof with the power, and under the conditions of operation and limitations specified therein. The so-called 650-mile rule contained in Part II, C, Section 4, paragraph B, of the North American Regional Broadcasting Agreement, Habana 1937, shall not be applicable to Cuba in connection with the use of those frequencies in Annex I hereof.

ARTICLE V

Cuba shall have the right to operate Special Class II stations on the regional frequencies described in Annex 2, with the power and under the conditions of operation and limitations specified therein.

ARTICLE VI

The Government of the Bahama Islands will cease all operations on the frequency of 640 kc not later than August 1, 1946. On or before June 1, 1946, the Government of the Bahama Islands shall notify directly the Government of Cuba the exact date on which it will cease using the said frequency.

ARTICLE VII

The United States of America agrees to the assignment of the frequency 1540 kc with Class I-A protection in accordance with the North American Regional Broadcasting Agreement, Habana 1937, to the Government of the Bahama Islands subject to the terms of this Agreement.

The United States of America further agrees to collaborate with the Government of the Bahama Islands, after tests have been conducted on 1540 kc or other frequencies which may be suggested by the United States, with a view to determining whether the 1540 kc frequency or some other frequency should be substituted in the Bahama Islands for 640 kc.

ARTICLE VIII

The Governments parties to this Agreement shall cooperate to minimize interference to their respective services. Recognizing that propagation over

sea water is superior to over-land propagation and that the present standards do not adequately take into account conditions of this nature, the Governments parties to this Agreement agree to cooperate with a view to minimizing interference in the event that sky wave signal intensities exceed the values stipulated in this instrument.

ARTICLE IX

Except as herein specifically provided, nothing contained in this Interim Agreement shall limit or restrict the use of any clear channel assigned under the North American Regional Broadcasting Agreement, Habana, 1937, for use by Class I-A stations in the country in which such stations may be located.

ARTICLE X

The Governments parties hereto undertake to apply the provisions of this Interim Agreement and to take the steps necessary to enforce said provisions upon the operating agencies recognized or authorized by them to establish and operate broadcast stations within their respective countries.

ARTICLE XI

Notifications of a complete list of all broadcasting stations in the standard broadcast band actually in operation in each country having been made and accepted without objection on the part of any Government pursuant to Part III of the North American Regional Broadcasting Agreement, Habana 1937, and of changes similarly made and accepted during the life of said Agreement, the signatories and adherents hereto will continue to recognize these notifications including the specific changes and modifications stipulated in this instrument.

ARTICLE XII

A permanent North American Regional Broadcasting Engineering Committee composed of four experts, one each from Canada, Cuba, Mexico, and the United States, shall be established for the purpose of determining facts and making recommendations thereon which will enable Governments to comply with the technical provisions of this Agreement to their mutual satisfaction. The organization, duties, and procedures of the committee shall be governed by Annex 3.

ARTICLE XIII

In order to conclude a new North American Regional Broadcasting Agreement at the earliest possible date, the signatory Governments will

A. Commence immediately the necessary studies for the conclusions of such an Agreement.

B. Exchange views following their respective studies. For this purpose each Government shall, on or before October 1, 1946, submit to the Inter-

American Radio Office, twelve copies of its conclusions together with supporting data.

C. Hold a meeting of their technicians in Habana, Cuba, on or about January 2, 1947, preparatory to the Third North American Regional Broadcasting Conference, who shall examine the technical aspects of the documents communicated by the interested Governments. A joint report of their findings, views and recommendations shall be circulated to the Governments by the Inter-American Radio Office not later than March 1, 1947.

D. Communicate to the other Governments through the Inter-American Radio Office, before June 1, 1947, after consideration of this joint report, their proposals for the Third North American Regional Broadcasting Conference.

ARTICLE XIV

The preparation and circulation of the agenda for the Third North American Regional Broadcasting Conference not later than August 1, 1947, shall be the responsibility of the Inter-American Radio Office.

ARTICLE XV

The Government of Canada shall be in charge of the organization and convocation of the Third North American Regional Broadcasting Conference, which shall be held in Canada on or about September 15, 1947.

ARTICLE XVI

This Interim Agreement shall be considered in connection with the provisions of the North American Regional Broadcasting Agreement, Habana 1937, but in case of conflict the terms of this Interim Agreement shall prevail.

ARTICLE XVII

This Interim Agreement shall be in force for a period of three years commencing March 29, 1946, unless before its expiration there shall be signed and ratified a new North American Regional Broadcasting Agreement.

ARTICLE XVIII

This Interim Agreement shall remain open for signature by the Government of the Republic of Haiti, a signatory to the North American Regional Broadcasting Agreement, Habana 1937.

In witness whereof the respective representatives have signed this Interim Agreement in duplicate, one in English and one in Spanish, each of which shall remain deposited in the archives of the Government of Cuba and a certified copy of each of which shall be forwarded to each Government.

Done at Washington, this 25th day of February 1946.

For the Government of Canada:

F. H. SOWARD
G. C. W. BROWNE

For the Government of Cuba:

CARLOS MARISTANY
L. MACHADO
NICOLÁS MENDOZA

For the Government of the Dominican Republic:

T. R. RODRÍGUEZ

For His Majesty's Government in the United Kingdom in Respect of the Bahama Islands:

A. D. HODGSON

For His Majesty's Government in the United Kingdom and the Government of Newfoundland in Respect of Newfoundland:

H. T. CLARKE

For the Government of the United Mexican States:

With reservation in regard to Article XII

R. AVILA CAMACHO

For the Government of the United States of America:

EWELL K. JETT
HARVEY B. OTTERMAN

For the Government of the Republic of Haiti: ²

ANNEX 1

Use by Cuba of Clear Channels

Cuba may operate Class II unlimited time stations on the following clear channels assigned to Class I-A stations in other countries, subject to the conditions of operation, power and limitations hereinafter specified:

FREQUENCY (kc)	LOCATION	MAXIMUM POWER AT NIGHT	TYPE OF ANTENNA	LIMITATION TO SPECIFIED CONTOUR OR MAXIMUM RADIATION (mv/m unattenuated field at one mile) IN DIRECTION INDICATED
640 (U.S.)	Province of Habana	25 kw	Directional	225—Los Angeles, California See* 392—U.S. Class II Stations 500—St. John's Newfoundland The interfering signal at this station's 0.477 mv/m 50% sky wave contour shall not exceed 0.025 mv/m 10% of the time.
670 (U.S.)	Province of Oriente	1 kw	Directional	45—Chicago, Illinois See*
690 (Canada)	Province of Habana	25 kw	Directional	Signal at Canadian border shall not exceed 0.039 mv/m 10% of the time. Maximum limitation 2.5 mv/m to XEN.
730 (Mexico)	Province of Oriente	10 kw	Directional	175—Cabo Catoche, Quintana See** Roo. Maximum limitation to CKAC, Montreal, Quebec 2.5 mv/m ground wave contour.
740 (Canada)	Province of Habana	10 kw	Directional	Signal at Canadian Border shall not exceed 0.050 mv/m 10% of the time. Maximum limitation to KTRH at Houston, Texas-2.25 mv/m ground wave contour.

² The agreement was signed for Haiti on Dec. 18, 1946.

FRE- QUENCY (kc)	LOCATION	MAXI- MUM POWER AT NIGHT	TYPE OF ANTEN- NA	LIMITATION TO SPECIFIED CON- TOUR OR MAXIMUM RADIATION (mv/m unattenuated field at one mile) IN DIRECTION INDICATED
800 (Mexico)	Province of Oriente	250 w	Non- Direc- tional	75—Cabo Catoche, Quintana Roo. See*** Roo. Maximum limitation of 2.5 mv/m ground wave contour of CHRC, Quebec, Quebec; CJAD, Montreal, Quebec; CKLW, Windsor, Ontario; CHAB, Moose Jaw, Saskatchewan.
830 (U.S.)	Province of Habana	1 kw	Direc- tional	42—Minneapolis, Minnesota. See*
850 (U.S.)	Province of Oriente	2 kw	Non- Direc- tional	200—Denver, Colorado. See*
860 (Canada)	Province of Habana	15 kw	Direc- tional	Signal at Canadian Border shall not exceed 0.030 mv/m 10% of the time.
890 (U.S.)	Province of Cama- guey	1 kw	Direc- tional	35—Chicago, Illinois. See*

*The interfering signal shall not exceed 0.025 mv/m 10% of the time at night at the present 0.4 mv/m 50% contour of the respective U.S. Class I-A stations.

**In any case, in order to prevent objectionable interference, the station at Holguin must reduce radiation so as not to exceed 10% of the time, one twentieth of the signal of XEX at any point in Mexico.

***In any case, in order to prevent objectionable interference, the station at Oriente must reduce radiation so as not to exceed 10% of the time, one twentieth of the signal of XELO at any point in Mexico.

ANNEX 2

Use by Cuba of Special Class II Stations on Regional Channels

In addition to others specified in Table V, Appendix I of the North American Regional Broadcasting Agreement, Cuba may operate Special Class II stations on the following Regional Channels, subject to the conditions of operation, power and limitations hereinafter specified:

FRE- QUENCY (kc)	LOCATION	MAXI- MUM POWER AT NIGHT	TYPE OF ANTEN- NA	MAXIMUM LIMITATIONS TO CLASS III STATIONS TO THE CONTOUR INDICATED BELOW
590	Province of Habana	25 kw	Direc- tional	Uniontown, Pennsylvania (WMBS) 1.6 mv/m Austin, Texas (KTBC) 3.0 mv/m Kalamazoo, Michigan (WKZO) 1.12 mv/m Omaha, Nebraska (WOW) 1.0 mv/m Boston, Massachusetts (WEEI) 1.0 mv/m Mexico, D. F. (XEPH) 1.83 mv/m

MULTILATERAL AGREEMENTS 1946-1949

FRE- QUENCY (kc)	LOCATION	MAXI- MUM POWER AT NIGHT	TYPE OF ANTEN- NA	MAXIMUM LIMITATIONS TO CLASS III STATIONS TO THE CONTOUR INDICATED BELOW
600	Province of Oriente	10 kw	Direc- tional	Winston Salem, North Carolina (WSJS) 1.7 mv/m Memphis, Tennessee (WREC) 0.9 mv/m Baltimore, Maryland (WCAO) 1.0 mv/m Bridgeport, Connecticut (WICC) 1.0 mv/m Merida, Yucatan (XEZ) 1.80 mv/m
630	Province of Santa Clara	25 kw	Direc- tional	Washington, D. C. (WMAL) 1.0 mv/m St. Louis, Missouri (KXOK) 1.04 mv/m Providence, Rhode Island (WPRO) 1.0 mv/m Monterey, Nuevo Leon (XEFB) 2.5 mv/m
790	Province of Habana	2 kw	Non- Direc- tional	Memphis, Tennessee (WMC) 1.6 mv/m Norfolk, Virginia (WTAR) 1.4 mv/m
		10 kw	Direc- tional	Mexico, D. F. (XERC) 1.0 mv/m
910*	Province of Habana	10 kw	Direc- tional	Richmond, Virginia (WRNL) 2.35 mv/m Johnson City, Tennessee (WJHL) 3.48 mv/m Meridian, Mississippi (WCOC) 5.60 mv/m
920	Province of Camaguey	10 kw	Direc- tional	Providence, Rhode Island (WJAR) 1.0 mv/m Fairmont, West Virginia (WMMN) 1.1 mv/m Atlanta, Georgia (WGST) 2.4 mv/m Little Rock, Arkansas (KARK) 1.0 mv/m Hermosillo, Sonora (XEBH) 1.0 mv/m
950	Province of Habana	2 kw	Non- Direc- tional	Houston, Texas (KPRC) 1.7 mv/m Spartanburg, South Carolina (WSPA) 2.5 mv/m
		10 kw	Direc- tional	Ciudad Trujillo, D. R. (HIX) 2.4 mv/m
960	Province of Camaguey	2 kw	Non- Direc- tional	Roanoke, Virginia (WDBJ) 1.2 mv/m Birmingham, Alabama (WBRC) 1.6 mv/m
		10 kw	Direc- tional	Nuevo Laredo, Tamaulipas (XEFE) 1.0 mv/m Veracruz, Veracruz (XEU) 1.0 mv/m

*Cuba agrees to make every effort to reduce as much as possible the interference to the three above U.S. Class III stations using the Regional Channel 910kc.

ANNEX 3

North American Regional Broadcasting Engineering Committee

A. The members of this Committee shall be appointed by their respective Governments under such circumstances and for such periods as each may decide. The first meeting of the committee shall be convened before June 1, 1946 by the member appointed by the United States of America for the purpose of electing a chairman, and of adopting rules of practice and procedure to be followed in the performance of the functions herein after set forth. These rules shall include detailed requirements as to the methods of measurements, and other matters of importance to the Committee. The rules will be distributed to all interested Governments.

B. This Committee shall, whenever a request is made by any signatory or adherent to this Agreement, perform the following duties:

1. Inspect new installations or changes in existing facilities prior to regular operation to insure that adequate provision is made to prevent radiation toward other countries in excess of the acceptable maximum.

2. Investigate whenever observed interference indicates the possibility of maladjustments of radio transmitting equipment, and recommend adjustments or modifications to insure that the specified radiation in pertinent directions is not exceeded.

3. Investigate whenever observed interference indicates the possibility of other maladjustments of transmitting equipment resulting in objectionable interference from causes such as excessive frequency deviation, excessive modulation, spurious emissions, or other causes and to recommend all necessary adjustments or modifications to eliminate such interference.

C. Upon receipt of a notification for construction of a new station or changes in facilities of an existing station in another country, any Government receiving such notice may request that prior to regular operation there shall be an inspection by the North American Regional Broadcasting Engineering Committee. As construction nears completion, but prior to operation, the Government of the country in which the station is located shall notify the Government of the country requesting the inspection that the installation is ready for inspection. The representatives of these Governments on the Engineering Committee will then make immediate arrangements for inspection of the facilities.

D. When any Government signatory or adhering to this Agreement has reason to believe that interference in excess of that permitted by this Agreement is being caused to any station located in that country as a result of the operation of a station located in another country signatory or adhering to this Agreement, such Government shall notify its representative on the North American Regional Broadcasting Engineering Committee and the Government of the country in which the alleged interfering station is located that

it has reason to believe that excessive interference is being caused and shall state the general character of such interference. On receipt of the notice, the Government to which it is addressed will refer the same to its committee member. Within ten days the interested committee members shall meet at the location of the alleged interfering station and make such measurements as appear necessary to determine material facts bearing upon the issues raised in the complaint.

E. In the event the Government requesting an inspection or investigation or the Government of a country in which an inspection or investigation is requested does not have a representative on the North American Regional Broadcasting Engineering Committee, such Government shall designate a committee representative to serve the particular case. In any case where neither Government is represented on the standing committee, both shall designate committee representative for that purpose.

F. In making field intensity measurements or inspections, committee members shall be governed by the standards of good engineering practice accepted by the Committee.

G. Each committee member shall be individually provided by his Government with appropriate items of radio measuring equipment or apparatus properly calibrated in accordance with mutually acceptable standards.

H. Where examination shows that the construction referred to in Paragraph "C" hereof is in accordance with the notification, and that provisions have been made for protection in accordance with the notification, the Committee will so report to the Government of the country in which the station is located and at the same time communicate a copy of such report to the Government or Governments requesting the examination. Where the examination indicates that the construction is not in accordance with the notification, or that provisions have not been made for protection in accordance with the notification, the Committee shall make such report to the Governments together with recommendations as to changes of construction, modification, or adjustments of circuits necessary to comply fully with the notification.

I. Where measurements are made following a complaint by a signatory or adhering Government, the results of such measurements with recommendations of the Committee members shall be communicated forthwith to the interested Governments.

J. Upon receipt of a report that inspection of facilities shows that adequate provisions had not been made to prevent radiations in excess of the accepted maximum with recommendations as to measures necessary for correction, the Government of the country in which the facilities are located shall take steps to see that the necessary corrections or adjustments are made prior to operation of the facilities.

K. Upon receipt of a report indicating that interference investigated is, in fact, excessive, the Government of the country in which the interfering station

is located shall immediately take steps providing for the elimination of such interference. If the interference found by the Committee cannot be eliminated within ten days by adjustments of equipment, the power of the offending station shall be reduced as much as is necessary to eliminate such interference.

L. Where the committee members of the interested Governments do not agree as to their report or recommendations relating to inspection of new or changed facilities, or upon the investigation of an interference complaint, each committee member shall make a complete report covering all material facts with respect to the matters under consideration and such recommendations as he may believe proper, transmitting the same immediately to the interested Governments. Copies of both reports shall be referred to the full committee. The full committee shall review the case and make such additional investigations as it may deem necessary and then report its findings and recommendations to the Governments of the stations concerned in the matter. Upon receipt of such recommendations, the Government of the country in which the facilities concerned are located shall take such steps as is necessary to comply with the recommendations of the Committee. If the interference found by the Committee cannot be eliminated within ten days by adjustments of equipment, the power of the offending station shall be reduced as much as is necessary to eliminate such interference.

INTERNATIONAL INSTITUTE OF AGRICULTURE: DISSOLUTION

*Protocol dated at Rome March 30, 1946, with annex
Senate advice and consent to ratification August 2, 1946
Ratified by the President of the United States August 28, 1946
Ratification of the United States deposited with the Food and Agriculture
Organization of the United Nations February 10, 1947
Entered into force January 28, 1948
Proclaimed by the President of the United States February 24, 1948*

62 Stat. 1581; Treaties and Other
International Acts Series 1719

The Governments signatories to this Protocol,
Being parties to the Convention signed at Rome on June 7, 1905,¹ creating
the International Institute of Agriculture (hereinafter called the Institute),
Considering it desirable that the Institute (including the International
Forestry Center, hereinafter called the Center) be dissolved and that the
functions and assets thereof be transferred to the Food and Agriculture Or-
ganization of the United Nations (hereinafter called the Organization), and
Being cognizant of the resolution of the Permanent Committee of the
Institute, have agreed as follows:

ARTICLE I

From the date to be announced by the Permanent Committee of the Insti-
tute in accordance with Article III of this Protocol, the Convention signed
at Rome on June 7, 1905, by which the Institute was created, shall be no
longer of any effect as between the parties to this Protocol, and the Institute
(including the Center) thereupon shall be brought to an end.

ARTICLE II

The Permanent Committee of the Institute shall, in accordance with the
directions of the General Assembly of the Institute, bring the affairs of the
Institute (including the Center) to an end and for this purpose shall

¹ TS 489, *ante*, vol. 1, p. 436.

(a) collect and bring together all assets of the Institute (including the Center) and take possession of the libraries, archives, records, and movable property thereof;

(b) pay and satisfy all outstanding debts and claims for which the Institute is liable;

(c) discharge the employees of the Institute and transfer all personnel files and records to the Organization;

(d) transfer to the Organization possessions of and full title to the property in the libraries, archives, records, and all residual assets of the Institute (including the Center).

ARTICLE III

When the duties assigned to it by Article II of this Protocol have been completed, the Permanent Committee of the Institute shall forthwith, by circular letter, notify the Members of the Institute of the dissolution of the Institute (including the Center) and of the transfer of the functions and assets thereof to the Organization. The date of such notification shall be deemed to be the date of the termination of the Convention of June 7, 1905, and also the date of the dissolution of the Institute (including the Center).²

ARTICLE IV

Upon bringing to an end the affairs of the Institute (including the Center) the powers, rights or duties attributed to it by the provisions of the International Conventions listed in the Annex of this protocol, shall devolve upon the Organization; and the parties to this Protocol which are parties to the said conventions shall execute such provisions, insofar as they remain in force, in all respects as though they refer to the Organization in place of the Institute.

ARTICLE V

Any Member of the Institute which is not a signatory to this Protocol may at any time accede to this Protocol by sending a written notice of accession to the Director General of the Organization, who shall inform all signatory and acceding Governments of such accession.

ARTICLE VI

1. This Protocol shall not be subject to ratification in respect to any government unless a specific reservation to that effect is made at the time of signature.

² On Feb. 27, 1948, the President of the International Institute of Agriculture forwarded to the Member States of the Institute the Final Act of the Permanent Committee, dated Feb. 27, 1948, which reads in part:

"By the terms of Art. III of the said Protocol, the Permanent Committee herewith gives notice to all the Member States of the Institute, and consequently to your Government of the dissolution of the Institute (including the Centre). The date of this Final Act is deemed to be the date of the termination of the Convention of June 7, 1905 and of the dissolution of IIA and IFC."

2. This Protocol shall come into force upon its acceptance in respect to at least thirty-five Governments Members of the Institute. Such acceptance shall be effected by:

- (a) signature without reservation in regard to ratification, or
- (b) deposit of an instrument of ratification in the archives of the Organization by Governments on behalf of which this Protocol is signed with a reservation in regard to ratification, or
- (c) notice of accession in accordance with Article V.

3. After coming into force in accordance with paragraph 2 of this Article, this Protocol shall come into force for any other Government a Member of the Institute:

- (a) on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event it shall come into force for such Government on the date of deposit of its instrument of ratification, or
- (b) on the date of the receipt of the notice of accession, in the case of any nonsignatory Government which accedes in accordance with Article V.

In witness whereof the duly authorized representatives of their respective Governments have met this day and have signed the present protocol, which is drawn up in the French and English languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Organization. Authenticated copies shall be furnished by the Organization to each of the signatory and acceding Governments and to any other Government which, at the time this Protocol is signed, is a Member of the Institute.

Done at Rome this 30th day of March 1946.

For the Government of Argentina:

CARLOS BREBBIA
Ad referendum of the Argentine
Government [translation].

For the Government of Australia:

G. S. BRIDGLAND

For the Government of Belgium (including the Belgian Congo):

G. D'ASPROMONT LYNDEN

For the Government of Brazil:

J. LATOUR
Subject to ratification [translation].

For the Government of Bulgaria:

I. IVANOFF
With the mention that the Bulgarian Government is in favor of the creation of a European section of the F.A.O. [translation].

For the Government of Canada:

ALFRED RIVE

For the Government of Chile:

FUENZALIDA
Signed with reservation of ultimate ratification, in conformity with Chilean legal provisions [translation].

For the Government of China:

SIH KWANG-TSIEN

For the Government of Colombia:

ABRAHAM FERNANDEZ DE SOTO
Signed with reservation of ultimate ratification, in conformity with Colombian legal provisions [translation].

For the Government of Cuba:

MIGUEL A. ESPINOSA

- For the Government of Denmark:
T. BULL
- For the Government of Egypt:
MAHMOUD MOHARRAM HAMMAD
Under reservation of ratification
[translation].
- For the Government of Ireland:
MICHAEL MACWHITE
- For the Government of Ecuador:
M. SOTOMAYOR LUNA
Ad referendum
- For the Government of Spain:
JOSE ANTONIO DE SANGRONIZ
- For the Government of the United States
of America (including Hawaii, the
Philippines, Puerto Rico and the
Virgin Islands):
DAVID MCK. KEY
Subject to ratification
- For the Government of Ethiopia:
- For the Government of Finland:
H. HOLMA
- For the Government of France (including
Algeria, French West Africa,
French Morocco, Indo-China, Mad-
agascar and Tunis):
AUGÉ-LARIBE
- For the Government of Greece:
G. A. EXINTARIS
- For the Government of Haiti:
DAVID MCK. KEY
Ad referendum
- For the Government of Hungary:
ALMOS PAPP
- For the Government of India:
JOHN O. MAY
- For the Government of Iran:
DAVID MCK. KEY
- For the Government of Italy:
VINCENZO RIVERA
With reservation of ratification
[translation].
- For the Government of Luxembourg:
G. D'ASPREMONT L.
- For the Government of Mexico:
- For the Government of Nicaragua:
DAVID MCK. KEY
Ad referendum
- For the Government of Norway:
SIGURD BENTZON
- For the Government of Paraguay:
DAVID MCK. KEY
- For the Government of the Netherlands
(including the Netherlands Indies):
H. VAN HAASTERT
- For the Government of Peru:
RICARDO RIVERA SCHREIBER
Signed with reservation of ultimate
ratification, in conformity with
Peruvian legal provisions [trans-
lation].
- For the Government of Poland:
W. WYSZYNSKI
- For the Government of Portugal:
ANTONIO PEREIRA DE SOUSA DA
CAMARA
- For the Government of Rumania:
M. MOSCHUNA-SION
EUGEN PORN
With mention that the Rumanian
Government is in favor of main-
taining the International Insti-
tute of Agriculture as a European
section of the F.A.O., with its
seat at Rome [translation].
- For the Government of the United King-
dom of Great Britain and Northern
Ireland:
JOHN O. MAY
- For the Government of San Marino:
MARIO MORESCALCHI
- For the Government of Siam:
DAVID MCK. KEY
- For the Government of Sweden:
J. C. LAGERBERG
- For the Government of Switzerland:
R. DE WECK
- For the Government of Czechoslovakia:
DR. JAN PAULINY-TOTH
Under reservation of ratification
[translation].

For the Government of Turkey:

FURUZAN SELCUK
Under reservation of ratification
[translation].

For the Government of the Union of
South Africa:

F. H. THERON

For the Government of Uruguay:

JOSÉ S. SCARRONE

For the Government of Venezuela:

For the Government of Yugoslavia:
DR. SLOVEN J. SMODLAKA
Under reservation of ratification
[translation].

For the Government of El Salvador:

AMEDEO S. CANESSA

ANNEX

List of Conventions to Which Article IV of the Protocol Relates

International Convention for Locust Control, dated at Rome October 31, 1920.

International Convention for Plant Protection, dated at Rome April 16, 1929.

International Convention concerning the Marking of Eggs in International Trade, dated at Brussels December 11, 1931.

International Convention for the Standardization of the Methods of Cheese Analysis, dated at Rome, April 26, 1934.

International Convention for the Standardization of Methods of Analyzing Wines, dated at Rome June 5, 1935.

International Convention for the Standardization of the Methods of Keeping and Utilizing Herd-Books, dated at Rome October 14, 1936.

SANITARY MARITIME NAVIGATION

Protocol opened for signature at Washington April 23, 1946, and signed for the United States April 30, 1946

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 6, 1946

Entered into force April 30, 1946; for the United States August 6, 1946

Proclaimed by the President of the United States August 6, 1946

Replaced by World Health Organization Regulations No. 2 of May 25, 1951,¹ as between states bound by the regulations

61 Stat. 1115; Treaties and Other
International Acts Series 1551

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926

The Government signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention, 1944,² Modifying the International Sanitary Convention of June 21, 1926,³ will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946 between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, shall be prolonged in force on and

¹ 7 UST 2255; TIAS 3625.

² TS 991, *ante*, vol. 3, p. 972.

³ TS 762, *ante*, vol. 2, p. 545.

after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1926 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

In witness whereof, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1926 Convention.

Done at Washington this twenty-third day of April, 1946.

For New Zealand:
C. A. BERENDSEN
April 23, 1946

For Belgium:
Subject to ratification [translation].
SILVERCRUYS
April 24, 1946

For Canada:
LESTER B PEARSON
April 25, 1946

For Nicaragua:
ALBERTO SEVILLA SACASA
April 26, 1946

For the United Kingdom of Great Britain and Northern Ireland:
HALIFAX
April 29, 1946

For the United States of America:
Subject to ratification.
DEAN ACHESON
April 30, 1946

For Greece:
P. ECONOMOU-GOURAS
April 30, 1946

For China:
WEI TAO-MING
April 30, 1946

For Luxembourg:
HUGUES LE GALLAIS
April 30, 1946

For Ecuador:
Subject to ratification.
L. N. PONCE
April 30, 1946

For Australia:
Subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates.⁴
J. B. BRIGDEN
April 30, 1946

For Haiti:
DANTES BELLEGARDE
April 30, 1946

For France:
H. BONNET
April 30, 1946

⁴ On Apr. 3, 1945, the Australian Government acceded to the International Sanitary Convention, 1944, subject to the following reservations:

“(a) Under Article No. 24 the Australian Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

“(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services 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.

“(c) The Australian Government reserves full rights under Articles Nos. 7 and 9 of the 1926 Convention, especially with reference to the last paragraph on the re-establishment of the Eastern Bureau or analogous agencies as regional bureau for Asia or the Pacific zone.”

SANITARY AERIAL NAVIGATION

Protocol opened for signature at Washington April 23, 1946, and signed for the United States April 30, 1946

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 6, 1946

Entered into force April 30, 1946; for the United States August 6, 1946

Proclaimed by the President of the United States August 6, 1946

Replaced by World Health Organization Regulations No. 2 of May 25, 1951,¹ as between states bound by the regulations

61 Stat. 1122; Treaties and Other
International Acts Series 1552

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION OF APRIL 12, 1933

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention for Aerial Navigation, 1944,² Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933,³ will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which

¹ 7 UST 2255; TIAS 3625.

² TS 992, *ante*, vol. 3, p. 982.

³ TS 901, *ante*, vol. 3, p. 89.

such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1933 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten Governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946 the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

In witness whereof, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English

and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1933 Convention.

Done at Washington this twenty-third day of April, 1946.

For New Zealand:

C. A. BERENDSEN
April 23, 1946

For Belgium:

Subject to ratification [translation].
SILVERCRUYS
April 24, 1946

For Canada:

LESTER B. PEARSON
April 25, 1946

For Nicaragua:

ALBERTO SEVILLA SACASA
April 26, 1946

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX
April 29, 1946

For the United States of America:

Subject to ratification.
DEAN ACHESON
April 30, 1946

For Greece:

P. ECONOMOU-GOURAS
April 30, 1946

For China:

WEI TAO-MING
April 30, 1946

For Luxembourg:

HUGUES LE GALLAIS
April 30, 1946

For Ecuador:

Subject to ratification.
L. N. PONCE
April 30, 1946

For Australia:

Subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates.⁴
J. B. BRIGDEN
April 30, 1946

For Haiti:

DANTES BELLEGARDE
April 30, 1946

For France:

H. BONNET
April 30, 1946

⁴ On Apr. 3, 1945, the Australian Government acceded to the International Sanitary Convention for Aerial Navigation of 1944, subject to the following reservations:

"(a) Pursuant to Article No. 21, the Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services 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.

"(c) The Australian Government, for temporary reasons of a practical nature, is not in a position to accept the full obligations arising out of Section 1, Part 1 of the 1933 Convention in relation to aerodromes within its territory which are within operational areas or under the control of the Air Forces of the Commonwealth or any Allied power.

"(d) Notwithstanding Article No. 35 or other provisions of the 1933 or the present Convention, the Australian Government reserves the right to require that every member of the crew and every passenger on every aircraft arriving from overseas shall, on arrival at the first landing place in Australia, produce to the quarantine officer there a certificate of recent vaccination against smallpox as defined in the Convention, or a certificate that he has given proof that he is adequately immune to smallpox, failing both of which certificates he shall submit to be vaccinated against smallpox.

"(e) The Australian Government reserves the right to prohibit the importation into Australia on any aircraft of any animal other than approved insects and parasites."

COMBINED SIAM RICE COMMISSION

Tripartite agreement signed at Bangkok May 6, 1946, with exchanges of notes and memorandum of understanding

Entered into force May 6, 1946

Modified by agreements of July 12, September 21, December 18, and December 24, 1946¹

Extended by agreements of August 31 and December 24, 1946²

Expired August 31, 1947

99 United Nations Treaty Series 181, 199;
157 United Nations Treaty Series 85

TRIPARTITE AGREEMENT

WHEREAS, the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom), and Siam, consider that it is desirable to take all possible measures for promoting and maintaining the maximum economic production in Siam of rice and certain other export commodities now in short world supply, and for facilitating the exportation of the surpluses of such commodities upon an equitable basis; and

WHEREAS, the Government of Siam recognizes the immediate importance of producing for export and exporting, in accordance with any allocations recommended by the appropriate combined Boards or successor bodies as determined by the Governments of the United States of America and the United Kingdom, the maximum quantities of rice and certain other commodities now in short world supply, and desires to cooperate with the United States of America and the United Kingdom in achieving those objectives, and

WHEREAS, the Governments of the United States of America and the United Kingdom recognize the immediate importance of such production and of the prompt and efficient exploration of Siam rice and certain other commodities now in short world supply in accordance with any allocations recommended by the appropriate combined Boards or successor bodies as determined by such Governments, and desire to aid and cooperate with the Government of Siam in achieving those objectives,

¹ Not printed. The first three of these agreements provided, respectively, for the membership of Siam, India, and China on the Rice Commission. In the Dec. 24 agreement the parties, in addition to extending the agreement to Aug. 31, 1947, agreed upon establishment of a new basic price and application of an export tax.

² Not printed.

The undersigned, being duly authorized by their respective Governments, have agreed as follows:

ARTICLE I

1. During the period in which this Agreement is in force, the Government of Siam will permit all exports of rice, tin, and rubber only in accordance with allocations recommended by the appropriate Combined Board or any successor body as determined by the Governments of the United States of America and the United Kingdom.

2. The Governments of the United States of America and of the United Kingdom will support an application by the Government of Siam to become a member of the Rice Committee of the Combined Food Board or successor body.

3. During the period in which this Agreement is in force the Government of Siam will take all possible measures to stimulate the production and facilitate the export of the maximum quantities of teak and other hard woods.

ARTICLE II

1. The Governments of the United States of America and the United Kingdom will establish promptly a Combined Siam Rice Commission (hereinafter referred to as the Rice Commission) to cooperate with and assist the Government of Siam in promoting the maximum economic production of rice in Siam, and to arrange for the exportation of all rice surplus to the internal needs of Siam in accordance with allocations recommended by the Combined Food Board or successor body.

2. The Government of Siam will make all rice and paddy surplus to the internal needs available for exportation under the control system of the Rice Commission and will cooperate with the Rice Commission in stimulating the maximum economic production of rice in Siam.

3. The Government of Siam will not impose or permit the imposition of export or other duties on rice or paddy other than those in effect on the date of the signing of this Agreement, except as may be determined by agreement between the Government of Siam and the Rice Commission.

4. The Rice Commission will assist the Government of Siam with respect to measures designed to effectuate and expedite achievement of the objectives in regard to rice production and export sought by this Agreement and will recommend to the Governments of the United States of America and the United Kingdom such measures of assistance as it deems essential for such purposes, particularly in regard to

(a) the procurement and importation of items required in connexion with rice production and exportation, including milling, transportation, and repair of port facilities; and

(b) the procurement and importation of needed incentive consumer goods.

5. It is mutually agreed by the Governments of the United States of America, the United Kingdom and Siam that (except for any rice or paddy which the Siamese Government may supply to any nation or organization pursuant to the Formal Agreement between the Governments of the United Kingdom and India and the Government of Siam signed January 1, 1946, as modified by the notes exchanged between His Britannic Majesty's Minister at Bangkok and the Siamese Minister of Foreign Affairs at Bangkok on May 1st, 1946) all rice and paddy exported under the control system of the Rice Commission will be paid for at prices to be determined by agreement between the Government of Siam and the Rice Commission.

ARTICLE III

1. This Agreement shall be effective beginning with the day of its signature. It shall remain in effect until September 1, 1946, and shall be renewable for two periods of six months each thereafter upon the request of the Governments of the United States of America and the United Kingdom.

2. If, while this Agreement is in effect, any of the commodities specified in paragraph 1 of Article I should cease to be subject to recommended allocation by a Combined Board or successor body, the provisions of paragraph 1 of Article I of this Agreement shall not thereafter apply to such commodity. If rice should cease to be subject to such allocation, the provisions of Article II shall thereupon terminate, except as to obligations already incurred.

DONE in triplicate in the English and Siamese languages this sixth day of May, one thousand nine hundred forty-six, of the Christian Era, corresponding to the sixth day of the fifth month in the two thousand four hundred eighty-ninth year of the Buddhist Era.

For the Government of the United States of America:
CHARLES W. YOST

For the Government of the United Kingdom
of Great Britain and Northern Ireland:
G. H. THOMPSON

For the Government of Siam:
DIRECK JAYANAMA

EXCHANGES OF NOTES, WITH MEMORANDUM, ON POLICIES AND PROCEDURES

*The British Minister at Bangkok to the Siamese Minister for Foreign Affairs*BRITISH LEGATION
BANGKOK

(342/3/46)

6th May, 1946

EXCELLENCY,

I have the honour to refer to recent conversations held in Bangkok between Your Excellency, the United States Chargé d'Affaires and myself regarding the policies and procedures for carrying into effect the Tripartite Agreement between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and Siam relating to Siam rice and certain other commodities in short world supply, signed this day at Bangkok, insofar as the Tripartite Agreement relates to the production and export of Siam rice.

2. I enclose herewith a "Memorandum of Understanding" containing a statement of the agreements which were arrived at as a result of the conversations to which reference has been made with regard to the policies and procedures for implementing the Tripartite Agreement insofar as that agreement relates to the production and export of Siam rice.

3. I am sending an identical note to the United States Chargé d'Affaires and it is my understanding that he is sending an identical note to Your Excellency.

4. If the "Memorandum of Understanding" is in accordance with the understanding of the Government of Siam and of the Government of the United States, these notes and the replies thereto of Your Excellency and of the United States Chargé d'Affaires will be regarded as placing on record the agreements between the three Governments set forth in the "Memorandum of Understanding".

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

G. H. THOMPSON

His Excellency NAI DIRECK JAYANAMA

*etc., etc., etc.**Minister for Foreign Affairs**Bangkok*

Memorandum of Understanding

1. Representatives of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom), and Siam have discussed the policies and procedures to be followed in carrying into effect the Agreement (hereinafter referred to as the Tripartite Agreement) between the Governments of the United States of America, the United Kingdom, and Siam relating to Siam rice and certain other export commodities in short world supply, signed this day at Bangkok, insofar as that Agreement relates to the production and export of Siam rice.

2. The Tripartite Agreement has been entered into and the Rice Commission is to be established pursuant to its terms for the sole purpose of relieving critical food deficiencies in other areas during the current period of short world supply by stimulating the economic production of Siam rice and expediting the export to importing countries upon an equitable basis of all rice surplus to the internal needs of Siam.

3. Under the Tripartite Agreement the Government of Siam has assumed the primary responsibility for achieving the foregoing objectives and the Rice Commission is to be established by the United Kingdom and United States Governments to assist the Government of Siam in achieving these objectives. While specific powers and responsibilities are given to the Rice Commission and specific undertakings are given by the Government of Siam, the Government of Siam and the Rice Commission will at all times work in harmonious cooperation in order to achieve the objectives to which all three Governments are committed.

4. In view of the present acute world shortage of rice, it is essential to maximize the quantity of Siam rice available for export. The production of low-milled rice with a high broken rice content not exceeding approximately thirty-five per cent should, therefore, be encouraged. An appropriate basic standard sample will be determined by the Government of Siam in agreement with the Rice Commission and the Government of Siam will instruct millers to confine their output so far as practicable to this standard. Standards for other qualities already milled or which cannot be milled to the basic standard, and for broken rice which cannot be retained in the standard qualities, will be similarly determined.

5. It is intended that the prices to be paid for export rice and paddy (to be determined as provided in the Tripartite Agreement by agreement between the Government of Siam and the Rice Commission) should be sufficiently high from the outset not only to encourage the flow of paddy from grower to miller and the making of all surplus rice available for export under the control system of the Rice Commission, but also to stimulate economic expansion of rice production. The basic price will be based on the basic standard sample with appropriate differentials similarly determined for other

grades, including loonsain and broken rice, at levels which will discourage the unnecessary production of broken rice. The Government of Siam, if so recommended by the Rice Commission, will license all millers and restrict all purchases and sales by millers to prices established by it in agreement with the Rice Commission.

6. Under the Tripartite Agreement the Government of Siam has undertaken to make all rice and paddy surplus to the internal needs of Siam promptly available for export under the control system of the Rice Commission and it will take all reasonable means to accomplish this, including requirement of returns from all holders of stocks of rice and paddy, the institution of collection schemes and, if need be, compulsory sales at the established prices, if so recommended by the Rice Commission. The Government of Siam will use all reasonable means to ensure adequate rice milling facilities, including, if necessary, the cannibalizing of mill or other machinery; to ensure adequate transport from paddy fields to mills and from mills to ports; and to effect prompt restoration of adequate port facilities.

7. The Government of Siam will notify the Rice Commission from time to time of the quantities of rice at Bangkok available for export under the control system of the Rice Commission, giving the names of suppliers, number of bags, locations, grades, and all other relevant particulars. Whether the rice is held by the Government of Siam or by a private supplier will be a matter for arrangements between the Government of Siam and the supplier.

8. The Rice Commission will at no time be a purchaser of rice or engage in the transportation of rice or similar operational activities. All export rice made available to the Rice Commission will be held as a pool subject to the control system of the Rice Commission. The Rice Commission will at no time have title to any rice or be financially responsible for any loss of rice which may occur.

9. The Combined Food Board or successor body will notify the Rice Commission of all locations of Siam rice as recommended by it. The Rice Commission will from time to time determine the rice to be made available and so notify the respective countries or organisations to which allocations have been made or their agents or designees (*hereinafter* called the purchasers). Such notification will constitute authority to the purchaser to conclude a purchase contract or contracts, directly or through any agent, with the Government of Siam or designated private supplier, as the case may be, for the rice at the established prices and on the terms specified in the notification. The Rice Commission will reserve the right to reassign and may direct the reassignment of any such contract to another authorised purchaser. The Government of Siam will prohibit the making of any contract for the purchase of rice for export which is not authorized by the Rice Commission.

In exceptional cases the Rice Commission may order specific rice on board a ship, notifying the rice F.O.B. to a designated purchaser.

The provisions of this paragraph will not apply to any contract entered into before the conclusion of the Tripartite Agreement.

10. As used in this Memorandum the term "purchaser" includes any country or organisation to which the Government of Siam may supply rice at Bangkok under the provisions of Article XIV of the Formal Agreement between the Governments of the United Kingdom and of India and the Government of Siam signed at Singapore on January 1, 1946, as modified by the notes exchanged between His Britannic Majesty's Minister at Bangkok and the Siamese Minister of Foreign Affairs at Bangkok on May 1, 1946. Procedures whereby rice contracted to be purchased as provided in paragraph 9 may be made available to such a designated purchaser free of cost in accordance with such Article, as so modified, will be made by the Government of Siam and such purchaser without reference to the Rice Commission.

11. The basic contract price for rice to be exported will be *ex mill*, will exclude the cost of bags, and will be for net cash payment in sterling or U.S. dollars. The Rice Commission may, however, authorise contracts F.O.B. when desired by the purchaser and supplier, but all such contracts must be approved by the Rice Commission until such time as a schedule of uniform forwarding charges and lighterage fees is established by the Government of Siam in agreement with the Rice Commission.

The Rice Commission may also authorise contracts when desired by the purchaser and supplier providing for other than net cash payment and for payment in currency other than sterling or U.S. dollars. The terms and the price to be paid and/or the rate of exchange employed must, however, be submitted to the Rice Commission. The Rice Commission will approve such contracts if it is satisfied that they comply with the established prices and prevailing rates of exchange.

12. If rice is lost from any cause after notification of specific rice to a purchaser and prior to the arrival of such rice at a port in the country of destination, the Rice Commission will notify to the purchaser as replacement a similar amount from the pool under the same Combined Food Board allocation and authorise a new contract therefor. If there should be substantial losses, the Rice Commission in its discretion may curtail *pro rata* the shares of all purchasers including those suffering losses.

13. Because all export rice will be held as a pool and purchase contracts may be reassigned at the direction of the Rice Commission, it is essential that the certification as to weight and quality of rice purchased for export should be by firms acceptable to all purchasers. The Rice Commission will therefore designate a panel of the firms whose certificates are so acceptable. Each purchaser, except on a reassigned contract, may designate a firm of its own choice from such panel.

14. Each purchase contract will provide that the purchaser will accept all sound rice delivered pursuant to the contract even though inferior to the

standard qualities called for in the contract, but that as to any such inferior sound rice so delivered an allowance as to price will be assessed by arbitration.

15. In order to facilitate the prompt export of rice, the Rice Unit of the British Ministry of Food will from time to time as required make bags available under such arrangements as may be agreed upon between the Rice Unit and the Government of Siam providing for the prompt distribution of such bags under guarantee that they will be used only for bagging rice for export and that the cost of such bags, including all expenses of transportation, distribution and necessary overheads, will be paid by the purchasers of the rice.

16. Expenses incurred by the Rice Unit in connexion with the export of rice exported prior to the establishment of the Rice Commission including the cost of bags supplied free of cost, will be applied against the cost of that rice and borne by the recipients. To the extent that expenses were incurred by the Rice Unit on account of Rice exported under the control system of the Rice Commission the Rice Unit will be reimbursed by the purchaser or supplier as the case may be.

17. The Rice Commission will engage such personnel as may be necessary for the proper performance of the functions assigned to it and all personnel and operating expenses of the Rice Commission will be borne by the Governments of the United Kingdom and of the United States of America.

18. The Rice Commission will make such reports to the Rice Committee and to the Sub-Committee of the Rice Committee of the Combined Food Board or successor body as are necessary to the functioning of those committees and are proper under their respective terms of reference.

19. All decisions of the Rice Commission will be reached within the terms of the Tripartite Agreement and this Memorandum of Understanding in accordance with procedures agreed upon between the members of the Rice Commission who will work in close cooperation with each other in reaching the most practicable solution of problems as they arise, with a view to the effective accomplishment of the objectives of the Governments of Siam, of the United States of America, and of the United Kingdom.

The Siamese Minister for Foreign Affairs to the British Minister at Bangkok

MINISTRY OF FOREIGN AFFAIRS
SARANROM PALACE

No. 2481/2489

6th May, 2489

MONSIEUR LE MINISTRE,

I have the honour to acknowledge receipt of Your Excellency's note of the same date enclosing a "Memorandum of Understanding" containing a statement of the agreements which were arrived at as a result of recent conversa-

tions between you, the American Chargé d’Affaires and myself regarding the policies and procedures for carrying into effect the Tripartite Agreement between the Governments of Siam, the United States of America, and the United Kingdom, relating to Siam rice and certain other commodities in short world supply, signed this day at Bangkok, insofar as the Tripartite Agreement relates to the production and export of Siam rice.

I am happy to inform Your Excellency that the “Memorandum of Understanding” is in accordance with the understanding of my Government and that if the “Memorandum of Understanding” is in accordance with the understanding of the Government of the United States of America your note, the similar note which my Government has received from the American Chargé d’Affaires and the similar note which you inform me has been sent to the American Chargé d’Affaires, together with the respective replies to these notes, will be regarded as placing on record the agreements between the three Governments set forth in the “Memorandum of Understanding”.

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

DIRECK JAYANAMA
Minister of Foreign Affairs

His Excellency Monsieur G. H. THOMPSON
*His Britannic Majesty’s Envoy
Extraordinary and Minister Plenipotentiary
Bangkok*

The British Minister at Bangkok to the American Chargé d’Affaires

BRITISH LEGATION
BANGKOK

(344/3/46)

6th May, 1946

SIR,

With regard to paragraph 17 of the Memorandum of Understanding relating to the Tripartite Agreement signed this day between the United States, the United Kingdom, and Siam in so far as the Tripartite Agreement relates to the production and export of Siam rice, it is the understanding of my Government that the personnel and operating expenses of the Combined Siam Rice Commission will be borne in approximately equal proportions by our two Governments under such arrangements as may be worked out. If this understanding is in accordance with the understanding of your Government,

this letter and your reply thereto will be regarded as placing on record the understanding of our two Governments with regard to the personnel and operating expenses of the Commission.

I am, Sir,

Yours truly,

G. H. THOMPSON

CHARLES W. YOST, Esq.
Chargé d'Affaires
American Legation
Bangkok

The American Chargé d'Affaires at Bangkok to the British Minister

BANGKOK, May 6, 1946

SIR:

In acknowledging receipt of your letter dated May 6, 1946, I have the honor to inform you that the understanding of my Government is in accordance with the understanding of your Government, as stated in your letter, that the personnel and operating expenses of the Combined Siamese Rice Commission will be borne in approximately equal proportions by our two Governments under such arrangements as may be worked out.

Sincerely yours,

CHARLES W. YOST
Chargé d'Affaires

The Honorable G. H. THOMPSON
H. B. M. Minister
Bangkok

LIQUIDATION OF GERMAN PROPERTY IN SWITZERLAND

Accord effected by exchange of notes at Washington May 25, 1946

Entered into force June 27, 1946

Supplemented by agreement of August 28, 1952

[For texts of accord and supplementary agreements, see 13 UST 1118, 1131;
TIAS 5058, 5059.]

WHEAT

Exchanges of notes at Washington March 18, 20, and 25, April 9, May 3, and June 3, 1946, amending memorandum of agreement of April 22, 1942

Entered into force June 3, 1946

Expired upon expiration of memorandum of agreement of April 22, 1942

60 Stat. 1802; Treaties and Other
International Acts Series 1540

*The Secretary of State to the Argentine Chargé d'Affaires ad interim*¹

DEPARTMENT OF STATE
WASHINGTON,
Mar 18 1946

SIR:

I have been requested by the International Wheat Council to invite your Government to signify its acceptance of the following recommendation adopted by that Council at its Eleventh Session held in Washington on 27th February 1946:

“The International Wheat Council hereby recommends to the Governments of Argentina, Australia, Canada, the United Kingdom, and the United States of America that:

(a) since it has been decided to invite the representatives of Belgium, Brazil, China, Denmark, France, India, Italy, the Netherlands, the Union of Soviet Socialist Republics, and Yugoslavia to become members of that Council; and

(b) since it has also been decided to establish a preparatory committee for the purpose of reviewing the Draft Convention with a view to submitting it, as amended by the Council in the light of the recommendations of that Committee, to the international wheat conference referred to in paragraph 3 of the Memorandum of Agreement;

the Memorandum of Agreement, approved by the Governments of Argentina, Australia, Canada, the United Kingdom, and the United States of America on 27th June 1942,² be amended by the deletion of paragraphs 5, 6, 7, and 8 thereof and the substitution therefor of the following as paragraph 5 of that Memorandum:

¹ *Mutatis mutandis* to the Australian Minister, the Canadian Ambassador, and the British Ambassador.

² EAS 384, *ante*, vol. 3, p. 704. The memorandum of agreement was initialed Apr. 22, 1942, and entered into force June 27, 1942.

‘5. The International Wheat Council, referred to in Article VII of the Draft Convention, shall remain in being pending the conclusions of the international wheat conference referred to in paragraph 3 above or until such time as the governments represented on that Council may determine.’ ”

Upon notification by this Government to the Governments of Argentina, Australia, Canada, and the United Kingdom that each of the five Governments has signified its approval, the Memorandum of Agreement will be deemed to be so amended.

Accept, Sir, the renewed assurances of my high consideration.

JAMES F. BYRNES

The Honorable

Señor Don LUIS S. LUTI,

Minister Counselor,

Chargé d’Affaires ad interim of Argentina.

The Argentine Chargé d’ Affaires ad interim to the Secretary of State

EMBAJADA
DE LA
REPÚBLICA ARGENTINA
D. E. No. 102

WASHINGTON, *April 9, 1946*

EXCELLENCY:

I have the honour to acknowledge the receipt of your note of March 18th, 1946, which refers to the deletion of paragraphs 5, 6, 7, and 8 of the Memorandum of Agreement approved by the Governments of Argentina, Australia, Canada, the United Kingdom and the United States of America on 27th June 1942, and to the substitution of paragraph 5 of such Memorandum by the one set forth on Your Excellency’s note.

My Government will consider such amendments of the above mentioned Memorandum, as entering into force upon being notified that the other four Governments have expressed their approval.

Please accept, Excellency, the assurances of my highest consideration.

L. S. LUTI

His Excellency the Secretary of State

Mr. JAMES F. BYRNES,

Washington, D.C.

The Australian Counsellor to the Secretary of State

AUSTRALIAN LEGATION
WASHINGTON 8, D.C.

No. 93/46

20th March, 1946

SIR:

I have the honour to acknowledge your letter of March 18th, addressed to Sir Frederic Eggleston, who has now left Washington, inviting the Gov-

ernment of the Commonwealth of Australia to signify its acceptance of the following recommendation adopted by the International Wheat Council at its Eleventh Session held in Washington on 27th February, 1946:

[For text of recommendation, see U.S. note, p. 70.]

I have been directed by my Government to inform you that the recommendation in question has been approved by the Government of the Commonwealth of Australia.

I have the honour to be, With the highest consideration, Sir,
Your obedient servant,

JOHN OLDHAM
Counsellor

The Honorable
JAMES F. BYRNES,
*Secretary of State of the United States,
Washington, D.C.*

The Canadian Ambassador to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

WASHINGTON, D.C.,
March 25, 1946

No. 105

SIR:

I have the honour to refer to your note of March 18, 1946, in which, at the request of the International Wheat Council, you invited my government to signify its acceptance of a recommendation adopted by the Council at its Eleventh Session held in Washington on the 27th February, 1946.

I am now instructed to inform you that the recommendation is acceptable to the Government of Canada, both with respect to (a) the invitation to representatives of the specified additional countries to become members of the International Wheat Council and (b) the amendment of the Memorandum of Agreement of June 27, 1942, to the effect that the International Wheat Council shall remain in existence pending the conclusions of the international wheat conference referred to in the Memorandum of Agreement, or until such time as the governments represented on the Council may determine.

Accept, Sir, the renewed assurances of my highest consideration.

THOMAS A. STONE
For the Ambassador

The Honourable JAMES F. BYRNES,
*Secretary of State,
Washington, D.C.*

The British Ambassador to the Acting Secretary of State

Ref. 667/12/46.
No. 271

SIR,

I have the honour to acknowledge your note of March 18th, 1946, in which, at the request of the International Wheat Council, you invited my Government to signify its acceptance of the following recommendation adopted by that Council at its Eleventh Session held in Washington on February 27th, 1946:

[For text of recommendation, see U.S. note, p. 70.]

I have the honour to inform you that His Majesty's Government in the United Kingdom accepts the recommendation of the International Wheat Council and agrees that the Memorandum of Agreement referred to in this resolution shall be amended accordingly.

I have the honour to be, with the highest consideration, Sir,
your most obedient, humble servant,

HALIFAX

3rd May, 1946

The Honourable

DEAN ACHESON,

*Acting Secretary of State of the
United States,
Washington, D.C.*

*The Secretary of State to the Argentine Chargé d' Affaires ad interim*³

DEPARTMENT OF STATE

WASHINGTON

June 3, 1946

SIR:

I wish to report that the member nations of the International Wheat Council, namely, Argentina, Australia, Canada, the United Kingdom and the United States of America, have unanimously agreed to the recommendation adopted by the Council at its Eleventh Session held in Washington on February 27, 1946, and have agreed that the Memorandum of Agreement is amended accordingly.

³ *Mutatis mutandis* to the Australian Chargé d'Affaires ad interim, the Canadian Ambassador, and the British Chargé d' Affaires ad interim.

The recommendation follows:

[For text of recommendation, see U.S. note, p. 70.]

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:

WILLIAM L. CLAYTON

The Honorable

Senor Don LUIS S. LUTI

Minister Counselor

Chargé d' Affaires ad interim of Argentina

REPARATION TO NONREPATRIABLE VICTIMS OF GERMAN ACTION

*Agreement signed at Paris June 14, 1946, with annex
Entered into force June 14, 1946*

61 Stat. 2649; Treaties and Other
International Acts Series 1594.

AGREEMENT ON A PLAN FOR ALLOCATION OF A REPARATION SHARE TO NON- REPATRIABLE VICTIMS OF GERMAN ACTION

In accordance with the provisions of Article 8 of the Final Act of the Paris Conference on Reparation,¹ the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, have worked out, in common agreement, the following plan to aid in the rehabilitation and resettlement of nonrepatriable victims of German action. In working out this plan the signatory Powers have been guided by the intent of Article 8, and the procedures outlined below are based on its terms:

In recognition of special and urgent circumstances, the sum of \$25,000,000, having been made available by Allied governments as a priority on the proceeds of the liquidation of German assets in neutral countries, is hereby placed at the disposal of the Inter-Governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations as soon as they have submitted practicable programs in accordance with this Agreement.

A. It is the unanimous and considered opinion of the Five Powers that in light of Paragraph H of Article 8 of the Paris Agreement on Reparation, the assets becoming available should be used not for the compensation of individual victims but for the rehabilitation and resettlement of persons in eligible classes, and that expenditures on rehabilitation shall be considered as essential preparatory outlays to resettlement. Since all available statistics indicate beyond any reasonable doubt that the overwhelming majority of eligible persons under the provisions of Article 8 are Jewish, all assets except as specified in Paragraph B below are allocated for the rehabilitation and resettlement of eligible Jewish victims of Nazi action, among whom children

¹ TIAS 1655, *ante*, p. 12.

should receive preferential assistance. Eligible Jewish victims of Nazi action are either refugees from Germany or Austria who do not desire to return to these countries, or German and Austrian Jews now resident in Germany or Austria who desire to emigrate, or Jews who were nationals or former nationals of previously occupied countries and who were victims of Nazi concentration camps or concentration camps established by regimes under Nazi influence.

B. The sum of \$2,500,000, amounting to ten percent, arising out of the \$25,000,000 priority on the proceeds of German assets in neutral countries, ten percent of the proceeds of the "non-monetary gold", and five percent of the "heirless funds" shall be administered by the Inter-Governmental Committee on Refugees or its successor organization through appropriate public and private organizations for the rehabilitation and resettlement of the relatively small numbers of non-Jewish victims of Nazi action who are in need of resettlement.² Eligible non-Jewish victims of Nazi action are refugees from Germany and Austria who can demonstrate that they were persecuted by the Nazis for religious, political, or racial reasons and who do not desire to return, or German and Austrian nationals, similarly persecuted, who desire to emigrate.

C. The Director of the Inter-Governmental Committee on Refugees or the Director General of the successor organization shall under the mandate of this Agreement make funds available for programs submitted by the appropriate field organizations referred to in Paragraphs A and B above as soon as he has satisfied himself that the programs are consistent with the foregoing. Only in exceptional circumstances may the cost of resettlement programs exceed a maximum of \$1,000 per adult and \$2,500 per child under twelve years of age. The action of the Inter-Governmental Committee on Refugees or its successor organization shall be guided by the intent of Article 8 and by this Agreement which is to place into operation as quickly as possible practicable programs of rehabilitation and resettlement submitted by the appropriate field organizations.

D. In addition to the \$25,000,000 sum the Inter-Governmental Committee on Refugees or its successor organization is hereby authorized to take title from the appropriate authorities to all "non-monetary gold" found by the Allies in Germany and to take such steps as may be needed to liquidate these assets as promptly as possible, due consideration being given to secure the highest possible realizable value. As these assets are liquidated, the funds shall be distributed in accordance with Paragraphs A and B above.

E. Furthermore, pursuant to Paragraphs C and E of Article 8, in the interest of justice, the French Government on behalf of the Five Govern-

² The agreement of Nov. 15 and 16, 1950, between the United States and the International Refugee Organization states: "With respect to non-Jewish victims, the nationality restrictions of the Five Power Agreement of June 14, 1946 shall not be applicable" (5 UST 2170; TIAS 3080).

ments concluding this Agreement, are making representations to the neutral Powers to make available all assets of victims of Nazi action who died without heirs. The Governments of the United States of America, the United Kingdom, Czechoslovakia, and Yugoslavia are associating themselves with the French Government in making such representations to the neutral Powers. The conclusion that ninety-five percent of the "heirless funds" thus made available should be allocated for the rehabilitation and resettlement of Jewish victims takes cognizance of the fact that these funds are overwhelmingly Jewish in origin, and the five percent made available for non-Jewish victims is based upon a liberal presumption of "heirless funds" non Jewish in origin. The "heirless funds" to be used for the rehabilitation and resettlement of Jewish victims of Nazi action should be made available to appropriate field organizations. The "heirless funds" to be used for the rehabilitation and resettlement of non-Jewish victims of Nazi action should be made available to the Inter-Governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations. In making these joint representations, the signatories are requesting the neutral countries to take all necessary action to facilitate the identification, collection, and distribution of these assets which have arisen out of a unique condition in international law and morality. If further representations are indicated the governments of the United States of America, France, and the United Kingdom will pursue the matter on behalf of the Signatory Powers.

F. To insure that all funds made available shall inure to the greatest possible benefit of the victims whom it is desired to assist, all funds shall be retained in the currency from which they arise and shall be transferred therefrom only upon the instructions of the organization to which the Inter-Governmental Committee on Refugees or its successor organization has allocated the funds for expenditure.

G. The Director of the Inter-Governmental Committee on Refugees shall carry out his responsibilities to the Five Governments in respect of this Agreement in accordance with the terms of the Letter of Instruction which is being transmitted to him by the French Government on behalf of the Governments concluding this Agreement.

In witness whereof the undersigned have signed the present Agreement.

Done in Paris on the 14th of June, 1946, in the English and French Languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, certified copies thereof being furnished by that Government to the signatories of this present Agreement.

Delegate of the United States of America
ELI GINZBERG

Delegate of Czechoslovakia
J. V. KLVANA

Delegate of France
PHILIPPE PERIER

Delegate of Yugoslavia
M. D. JAKSIC

Delegate of the United Kingdom of
Great Britain & Northern Ireland
DOUGLAS MACKILLOP

ANNEX TO THE AGREEMENT ON A PLAN FOR ALLOCATION OF A REPARATION
SHARE TO NON-REPATRIABLE VICTIMS OF GERMAN ACTION

DECLARATION BY THE CZECHOSLOVAK AND YUGOSLAV DELEGATES

In accepting the phrasing of Paragraph E of the Agreement, the Czechoslovak and Yugoslav Delegates have declared that the Republic of Czechoslovakia and the Republic of Yugoslavia have not by so accepting, given up their claim to the forthcoming inheritances mentioned therein which, according to the provisions of international law, belong to their respective States.

PARIS, *14th June, 1946*

The Czechoslovak Delegate:
J. V. KLVANA

The Yugoslav Delegate:
M. D. JAKSIC

CONTROL MACHINERY IN AUSTRIA: ALLIED COMMISSION

Agreement signed at Vienna June 28, 1946, with annex

Entered into force June 28, 1946

*Terminated July 27, 1955, upon entry into force of Austrian State
Treaty of May 15, 1955*¹

62 Stat. 4036; Treaties and Other
International Acts Series 2097

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUB- LICS AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON THE MA- CHINERY OF CONTROL IN AUSTRIA

The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of Soviet Socialist Republics and the Government of the French Republic (hereinafter called the Four Powers);

In view of the declaration issued at Moscow on 1st November, 1943,² in the name of the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, whereby the three Governments announced their agreement that Austria should be liberated from German domination, and declared that they wished to see reestablished 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;

Considering it necessary, in view of the establishment, as a result of free elections held in Austria on 25th November, 1945, of an Austrian Government recognized by the Four Powers, to redefine the nature and extent of the authority of the Austrian Government and of the functions of the Allied organization and forces in Austria and thereby to give effect to Article 14 of the Agreement signed in the European Advisory Commission on 4th July, 1945;³ Have agreed as follows:

¹ 6 UST 2369; TIAS 3298.

² *Ante*, vol. 3, p. 827.

³ *Ante*, vol. 3, p. 1199.

Article 1

The authority of the Austrian Government shall extend fully throughout Austria, subject only to the following reservations:

(a) The Austrian Government and all subordinate Austrian authorities shall carry out such directions as they may receive from the Allied Commission;

(b) In regard to the matters specified in Article 5 below neither the Austrian Government nor any subordinate Austrian authority shall take action without the prior written consent of the Allied Commission.

Article 2

- (a) The Allied organization in Austria shall consist of
- (i) an Allied Council, consisting of four High Commissioners, one appointed by each of the Four Powers;
 - (ii) an Executive Committee, consisting of one high ranking representative of each of the High Commissioners;
 - (iii) Staffs appointed respectively by the Four Powers, the whole organization being known as the Allied Commission for Austria.
- (b) (i) The authority of the Allied Commission in matters affecting Austria as a whole shall be exercised by the Allied Council or the Executive Committee or the Staffs appointed by the Four Powers when acting jointly.
- (ii) The High Commissioners shall within their respective zones ensure the execution of the decisions of the Allied Commission and supervise the execution of the directions of the central Austrian authorities.
- (iii) The High Commissioners shall also ensure within their respective zones that the actions of the Austrian provincial authorities deriving from their autonomous functions do not conflict with the policy of the Allied Commission.
- (c) The Allied Commission shall act only through the Austrian Government or other appropriate Austrian authorities except:
- (i) to maintain law and order if the Austrian authorities are unable to do so;
 - (ii) if the Austrian Government or other appropriate Austrian authorities do not carry out directions received from the Allied Commission;
 - (iii) where, in the case of any of the subjects detailed in Article 5 below, the Allied Commission acts directly.
- (d) In the absence of action by the Allied Council, the four several High Commissioners may act independently in their respective zones in any

matter covered by subparagraphs (i) and (ii) of paragraph (c) of this Article and by Article 5, and in any matter in respect of which power is conferred on them by the agreement to be made under Article 8 (a) of this agreement.

(e) Forces of occupation furnished by the Four Powers will be stationed in the respective zones of occupation in Austria and Vienna as defined in the Agreement on Zones of Occupation in Austria and the administration of the City of Vienna, signed in the European Advisory Commission on 9th July, 1945.⁴ Decisions of the Allied Council which require implementation by the forces of occupation will be implemented by the latter in accordance with instructions from their respective High Commissioners.

Article 3

The primary tasks of the Allied Commission for Austria shall be:

(a) To ensure the enforcement in Austria of the provisions of the Declaration on the Defeat of Germany signed at Berlin on 5th June, 1945.⁵

(b) To complete the separation of Austria from Germany, and to maintain the independent existence and integrity of the Austrian State, and pending the final definition of its frontiers to ensure respect for them as they were on 31st December, 1937;

(c) To assist the Austrian Government to recreate a sound and democratic national life based on an efficient administration, stable economic and financial conditions and respect for law and order;

(d) To assist the freely elected Government of Austria to assume as quickly as possible full control of the affairs of state in Austria;

(e) To ensure the institution of a progressive long-term educational program designed to eradicate all traces of Nazi ideology and to instill into Austrian youth democratic principles.

Article 4

(a) In order to facilitate the full exercise of the Austrian Government's authority equally in all zones and to promote the economic unity of Austria, the Allied Council will from the date of signature of this Agreement ensure the removal of all remaining restrictions on the movement within Austria of persons, goods, or other traffic, except such as may be specifically prescribed by the Allied Council or required in frontier areas for the maintenance of effective control of international movements. The zonal boundaries will then have no other effect than as boundaries of the spheres of authority and

⁴ TIAS 1600, vol. 3, p. 1201.

⁵ TIAS 1520, vol. 3, p. 1140.

responsibility of the respective High Commissioners and the location of occupation troops.

(b) The Austrian Government may organize a customs and frontier administration, and the Allied Commission will take steps as soon as practicable to transfer to its customs and travel control functions concerning Austria which do not interfere with the military needs of the occupation forces.

Article 5

The following are the matters in regard to which the Allied Commission may act directly as provided in Article 2(c) (iii) above:

- (i) Demilitarization and disarmament (military, economic, industrial, technical, and scientific);
- (ii) The protection and security of the Allied forces in Austria, and the fulfilment of their military needs in accordance with the Agreement to be negotiated under Article 8(a).
- (iii) The protection, care, and restitution of property belonging to the Governments of any of the United Nations or their nationals:
- (iv) The disposal of German property in accordance with the existing agreements between the Allies.
- (v) The care and evacuation of, and exercise of judicial authority over prisoners of war and displaced persons:
- (vi) The control of travel into and out of Austria until Austrian travel controls can be established.
- (vii) (a) The tracing, arrest, and handing-over of any person wanted by one of the Four Powers or by the International Court for War Crimes and Crimes against Humanity.
(b) The tracing, arrest, and handing-over of any person wanted by other United Nations for the crimes specified in the preceding paragraph and included in the lists of the United Nations Commission for War Crimes.

The Austrian Government will remain competent to try any other person accused of such crimes and coming within its jurisdiction, subject to the Allied Council's right of control over prosecution and punishment for such crimes.

Article 6

(a) All legislative measures, as defined by the Allied Council, and international agreements which the Austrian Government wishes to make except agreements with one of the 4 Powers, shall, before they take effect or are published in the State Gazette be submitted by the Austrian Government to the Allied Council. In the case of constitutional laws, the written approval of the Allied Council is required, before any such law may be published

and put into effect. In the case of all other legislative measures and international agreements it may be assumed that the Allied Council has given its approval if within thirty-one days of the time of receipt by the Allied Commission it has not informed the Austrian Government that it objects to a legislative measure or an international agreement. Such legislative measure or international agreement may then be published and put into effect. The Austrian Government will inform the Allied Council of all international agreements entered into with one or more of the 4 Powers.

(b) The Allied Council may at any time inform the Austrian Government or the appropriate Austrian authority of its disapproval of any of the Legislative measures or administrative actions of the Government or of such authority, and may direct that the action in question shall be cancelled or amended.

Article 7

The Austrian Government is free to establish diplomatic and consular relations with the Governments of the United Nations. The establishment of diplomatic and consular relations with other Governments shall be subject to the prior approval of the Allied Council. Diplomatic Missions in Vienna shall have the right to communicate directly with the Allied Council. Military Missions accredited to the Allied Council shall be withdrawn as soon as their respective Governments establish diplomatic relations with the Austrian Government, and in any case within two months of the signature of this agreement.

Article 8

(a) A further agreement between the four Powers shall be drawn up and communicated to the Austrian Government as soon as possible, and within three months of this day's date defining the immunities of the members of the Allied Commission and of the forces in Austria of the Four Powers and the rights they shall enjoy to ensure their security and protection and the fulfilment of their military needs:

(b) Pending the conclusion of the further agreement required by Article 8(a) the existing rights and immunities of members of the Allied Commission and of the forces in Austria of the Four Powers, deriving either from the Declaration on the Defeat of Germany or from the powers of a Commander-in-Chief in the field, shall remain unimpaired.

Article 9

(a) Members of the Allied Council, the Executive Committee and other staffs appointed by each of the Four Powers as part of the Allied Commission may be either civilian or military.

(b) Each of the Four Powers may appoint as its High Commissioner either the Commander-in-Chief of its forces in Austria or its diplomatic or political representative in Austria or such other official as it may care to nominate.

(c) Each High Commissioner may appoint a deputy to act for him in his absence.

(d) A High Commissioner may be assisted in the Allied Council by a political adviser and/or a military adviser who may be respectively the diplomatic or political representative of his Government in Vienna or the Commander-in-Chief of the forces in Austria of his Government.

(e) The Allied Council shall meet at least twice in each month or at the request of any member.

Article 10

(a) Members of the Executive Committee, shall, when necessary, attend meetings of the Allied Council;

(b) The Executive Committee shall act on behalf of the Allied Council in matters delegated to it by the Council;

(c) The Executive Committee shall ensure that the decisions of the Allied Council and its own decisions are carried out;

(d) The Executive Committee shall coordinate the activities of the Staffs of the Allied Commission.

Article 11

(a) The staffs of the Allied Commission in Vienna shall be organized in Divisions matching one or more of the Austrian Ministries or Departments with the addition of certain Divisions not corresponding to any Austrian Ministry or Department. The List of Divisions is given in Annex I to this Agreement; this organization may be changed at any time by the Allied Council;

(b) The Divisions shall maintain contact with the appropriate Departments of the Austrian Government and shall take such action and issue such directions as are within the policy approved by the Allied Council or the Executive Committee;

(c) The Divisions shall report as necessary to the Executive Committee;

(d) At the Head of each Division there shall be four Directors, one from each of the Four Powers, to be collectively known as the Directorate of that Division. Directors of Divisions or their representatives may attend meetings of the Allied Council or of the Executive Committee in which matters affecting the work of their Divisions are being discussed. The four officials acting as the head of each Division may appoint such temporary subcommittees as they deem desirable.

Article 12

The decisions of the Allied Council, Executive Committee, and other constituted bodies of the Allied Commission shall be unanimous.

The Chairmanship of the Allied Council, Executive Committee and Directorates shall be held in rotation.

Article 13

The existing Inter-Allied Command in Vienna, formerly known as the Kommandatura, shall continue to act as the instrument of the Allied Commission for affairs concerning Vienna as a whole until its functions in connection with civil administration can be handed over to the Vienna Municipality. These will be handed over progressively and as rapidly as possible. The form of supervision which will then be applied will be decided by the Allied Council. Meanwhile the Vienna Inter-Allied Command shall have the same relation to the Municipal Administration of Vienna as the Allied Commission has to the Austrian Government.

Article 14

The present Agreement shall come into operation as from this day's date and shall remain in force until it is revised or abrogated by agreement between the Four Powers. On the coming into effect of the present Agreement the Agreement signed in the European Advisory Commission on 4th July 1945, shall be abrogated. The Four Powers shall consult together not more than six months from this day's date with a view to its revision.

In witness whereof the present Agreement has been signed on behalf of each of the Four Powers by its High Commissioner in Austria.

Done this twenty eighth day of June 1946 at Vienna in quadruplicate in English, in French and in Russian each text being equally authentic. A translation into German shall be agreed between the four High Commissioners and communicated by them as soon as possible to the Austrian Government.

For the Government of the United
Kingdom

Lieutenant General
J. S. STEELE

For the Government of the United States
of America

General
MARK W. CLARK

For the Government of the Union of
Soviet Socialist Republics

Colonel General
V. KURASOV

For the Government of the French
Republic

General de Corps d'Armee
M. BÉTHOUART

ANNEX 1 TO THE AGREEMENT ON MACHINERY OF CONTROL IN AUSTRIA

List of the Divisions of the Allied Commission (See Article 11(a))

(a) Divisions each matching one or more Ministries or Departments of the Austrian Government:—

<u>Division</u>	<u>Austrian Departments</u>
1. Internal Affairs	(Interior (Chancery (except Foreign Department) Chancery (Foreign Department)
2. Political	Law and Justice
3. Legal	Finance
4. Finance	Public Education and Religious Affairs
5. Education	Social Administration
6. Social Administration	(Economic Planning and Property Control (Commerce and Reconstruction
7. Economic	(Food (Agriculture and Forestry (Electrification and Power Transportation
8. Transport and Communications	
(b) Divisions not matching any Austrian Ministry or Department:—	
9. Reparations, Deliveries and Restitution	
10. Prisoners of War and Displaced Persons	
11. Naval	
12. Military	
13. Air.	

CERTIFICATION OF ABLE SEAMEN
(ILO CONVENTION NO. 74)

*Convention adopted by the General Conference of the International
Labor Organization at Seattle June 29, 1946*

*Senate advice and consent to ratification, with understandings, July 4,
1952*

*Ratified by the President of the United States, with understandings,
February 17, 1953*

*Ratification of the United States registered with the International Labor
Office April 9, 1953*

Entered into force July 14, 1951; for the United States April 9, 1954

Proclaimed by the President of the United States April 13, 1954

[For text, see 5 UST 605; TIAS 2949.]

LIQUIDATION OF GERMAN PROPERTY IN SWEDEN

*Exchanges of notes at Washington July 18, 1946
Entered into force March 28, 1947*¹

61 Stat. 3191; Treaties and Other
International Acts Series 1657

GERMAN INTERESTS IN SWEDEN

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

Delegations representing the Governments of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland on the one hand (hereinafter referred to as the Allies) and the Government of Sweden on the other hand have met in Washington and exchanged views on questions relative to German interests in Sweden and the elimination of any possible risk of those interests being used to support renewed German aggression.

Following this exchange of views, and in reaffirmation of their mutual support of these economic security objectives, the Swedish and Allied Delegations have arrived at the following understanding:

1. (a) The Swedish Government confirms its intention to pursue a program of economic security by the elimination of German interests in Sweden.

(b) The Swedish Government further affirms that the Foreign Capital Control Office (Flyktkapitalbyrån or the FCCO) will, for this purpose, continue to uncover, take into control, liquidate, sell, or transfer German property, that the procedure already informally established between the FCCO and the Allied Missions in Stockholm shall be continued, as previously, as a means of exchanging information regarding the discovery and liquidation of German property and affording mutual assistance in this program.

¹ Date of approval by Swedish Government in accordance with terms of para. 9 of principal note, communicated by note of same date.

2. The disposition of the proceeds of the German assets in Sweden, after clearing against certain Swedish claims, will leave a balance which shall be considered to be 150 million kronor. To assist in preventing disease and unrest in Germany, this sum of 150 million kronor will be made available in a special account with the Swedish Riksbank to be used for financing such purchases—in Sweden or in any other market—of essential commodities for the German economy as may be agreed upon between the Swedish Government and the Allies. Insofar as such purchases are made in the Swedish market the deliveries will be limited by the scarcity of available supplies.

3. The German owners concerned shall be indemnified in German money for the property which has been liquidated or disposed of in Sweden pursuant to this understanding. For this purpose, the competent Swedish authority will give the Allies the necessary details with regard to the amount realized with particulars of the names and addresses of the German owners, and the Allied authorities in Germany will take the necessary steps in order that there will be recorded the title of the German owners of the property liquidated to receive the counter value thereof.

4. (a) In pursuance of its policy to restitute looted property, the Swedish Government will effect restitution to the Allies of all gold acquired by Sweden and proved to have been taken by the Germans from occupied countries, including any such gold transferred by the Swedish Riksbank to third countries. Any claims by Governments of the occupied countries or their banks of issue not presented before July 1, 1947 shall be considered to be barred.

(b) On the basis of present evidence, subject to further checking, it is assumed that the gold the Swedish Government has to restitute amounts to 7,155.32664 kilograms of fine gold, corresponding to the quantity of gold deriving from the Bank of Belgium which was acquired by the Swedish Riksbank and which is to be restituted in accordance with the foregoing.

(c) The Allied Governments undertake to hold the Swedish Government harmless from any claims deriving from transfers from the Swedish Riksbank to third countries of gold to be restituted according to the above declaration.

5. Divergencies on the interpretation and scope of the above clauses may, if the four Governments do not otherwise agree, be referred to arbitration.

6. The undersigned representatives of the Governments of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland state that insofar as the preceding provisions are concerned, they are also acting on behalf of the Governments of Albania, Australia, Belgium, Canada, Denmark, Egypt, Greece, India, Luxembourg, Norway, New Zealand, the Netherlands, Czechoslovakia, the Union of South Africa and Yugoslavia, and so far as it is material, the banks of issue of those countries.

7. (a) The three Allied Governments will make arrangements, through their Missions in Stockholm, for the admission of an official Swedish dele-

gation which will be permitted to visit the zones of Germany in the charge of those Governments, and to inspect properties of corporations in which Swedish nationals have a substantial ownership interest, or which are directly owned by Swedish nationals. The inspection and other activities of the delegation will be limited only by general requirements of military security and convenience, and by such general laws and regulations as are applicable to all persons travelling in Germany.

(b) It is the intention of the three Allied Governments to give non-discriminatory protection to the property in Germany of nationals of friendly foreign states, including property of corporations in which they have a substantial ownership interest. Provision will be made for equitable compensation in Germany with respect to removals and other dispositions of such properties by the Allied authorities in the zones of Germany occupied by them.

8. The Allied Governments will, in due time, require Germany or the future German Government to confirm the provisions of this understanding insofar as they affect German property in Sweden.

9. This understanding, together with the further letters exchanged today, shall, except where otherwise provided, take effect upon approval by the Swedish Riksdag.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

JUSTICE EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

Delegations representing the Governments of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland on the one hand (hereinafter referred to as the Allies) and the Government of Sweden on the other hand have met in Washington and exchanged views on questions relative to German interests in Sweden and the elimination of any possible risk of those interests being used to support renewed German aggression.

Following this exchange of views, and in reaffirmation of their mutual support of these economic security objectives, the Swedish and Allied Delegations have arrived at the following understanding:

[Swedish note repeats numbered paragraphs of preceding note.]

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

LOCATING LOOTED SECURITIES

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR JUSTICE SANDSTRÖM:

During the course of the discussions which have been concluded concerning German property in Sweden, you advised us of the procedures in effect in Sweden for the restitution of property located in Sweden which was looted by Germany or its nationals. You made known to us the fact that these procedures, as established by Swedish law of June 29, 1945 (No. 520), provide a simple and inexpensive method by which victims of spoliation may obtain restitution of their property in Sweden.

We wish to express our appreciation of these procedures which we have confidence the Government of Sweden will continue. In this connection, you will recall that the problem of locating looted securities was discussed. We appreciate the fact that your Government will consider sympathetically this problem and such procedures as the Allied Governments may subsequently propose to you for the purpose of facilitating the location of such securities.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States
CHRISTIAN VALENSI
Chief of French Delegation
FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today's date in the following terms:

[Swedish note repeats first two paragraphs of preceding note.]

I confirm that the above law will continue to be in force for the time being but that it will expire on July 1, 1947, unless extended. I also confirm the willingness of the Swedish Government to cooperate, in particular, in locating looted securities within the framework of Swedish legislation and within the limits of practical possibilities.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM

Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

GERMAN ASSETS HELD OUTSIDE SWEDEN BY SWEDISH NATIONALS
OR INSTITUTIONS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding we have reached, the Allied Delegations pointed out the importance of the Swedish Government conducting investigations of German assets which are held outside of Sweden by or through Swedish nationals or institutions. The Allied Delegations pointed out that the uncovering of such assets can only take place with the cooperation and assistance of the Government of Sweden.

It is therefore requested that the Government of Sweden take appropriate action through census and other means to identify such German assets as may be held outside Sweden by or through Swedish nationals or institutions and to make this information available to the Allied Governments.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States
CHRISTIAN VALENSI
Chief of French Delegation
FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chiefs of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.
July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today's date in the following terms:

[Swedish note repeats first two paragraphs of preceding note.]

I wish to advise you that my Government will take steps for the uncovering of such property. Information about such property will be given in the way foreseen for information about German property in Sweden.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

GERMAN REPATRIATION

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding we have reached, the Allied Delegations requested that the Swedish Government take all appropriate steps to expedite and complete the repatriation of obnoxious Germans now in Sweden.

In this connection, the Allied Delegations have noted with satisfaction the steps already taken.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States
 CHRISTIAN VALENSI
Chief of French Delegation
 FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.
 July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today's date in the following terms:

[Swedish note repeats first two paragraphs of preceding note.]

I wish to state that it is the policy of the Government of Sweden to repatriate as soon as possible such Germans as are determined by the Government of Sweden, after appropriate investigation, to be obnoxious.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
 ALLIED DELEGATIONS

PROPERTY OF GERMAN STATE RAILWAYS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.
 July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding we have reached, we have discussed the property in Sweden of the German State Railways. We understand that the Swedish Government will give favorable consideration to the question

of putting the rolling stock and accessories found in Sweden of the German State Railways at the disposal of the appropriate Allied authorities.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.
July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today's date in the following terms:

[Swedish note repeats first paragraph of preceding note.]

I confirm our understanding on the subject.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

TO THE CHIEFS OF THE
ALLIED DELEGATIONS

PATENTS, TRADEMARKS, AND COPYRIGHTS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding we have reached, it has been agreed that, pending the conclusion of multilateral arrangements, to which it is the intention of the Allies to invite the Swedish Government to adhere, and pending the decision of the Swedish Government regarding participation in such arrangements, no German owned patent in Sweden shall be sold or otherwise transferred for a period of three months from today's date or such further period as may then be agreed, except where, after notice

to the Allies, it is found appropriate to sell patent rights as part of the sale of a German-controlled enterprise.

We have also discussed the problems arising out of German trademarks and copyrights. The Allied Governments contemplate that international discussions may also take place with respect to these matters, with the objective of establishing by agreement general policies with a view to eliminating certain German trademarks and to making freely available to the community such German copyrights as have special value. Pending the making of multi-lateral arrangements and the decision of the Swedish Government regarding participation in such arrangements, it is hoped that the Swedish Government will not take any action which would preclude their adherence to a policy consistent with such arrangements.

Accept, Sir the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today in the following terms:

[Swedish note repeats first two paragraphs of preceding note.]

In connection with the first paragraph of your letter, I confirm the understanding stated with reference to the disposition of German-owned patents in Sweden.

As to German trademarks and copyrights, I shall not fail to bring your suggestions to the attention of my Government.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

TO THE CHIEFS OF THE
ALLIED DELEGATIONS

GERMAN OFFICIAL PROPERTY IN SWEDEN

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding we have reached, the Allied Governments wish to state that they reserve their claims with respect to German official property in Sweden, such as the German legation building, its contents, and so forth.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN

Chief of Delegation of United States

CHRISTIAN VALENSI

Chief of French Delegation

FRANCIS W. MCCOMBE

Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM

Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today in the following terms:

[Swedish note repeats first paragraph of preceding note.]

I shall not fail to bring your statement to the knowledge of my Government.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM

Chief of Swedish Delegation

To the CHIEFS OF THE

ALLIED DELEGATIONS

ELIMINATION OF "BLACK LISTS"

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding we have reached, we have the honor to state that the Allied Governments, without awaiting the conclusion of these

discussions, but in recognition of the understanding reached with respect to the liquidation of German interests, have eliminated the "black lists", *inter alia*, so far as Sweden or known Swedish nationals are concerned. It is not the intention of the Allied Governments to continue the "black lists" on an unofficial or advisory basis.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today's date in the following terms:

[Swedish note repeats first paragraph of preceding note.]

I am pleased to note your statement and I shall not fail to bring it to the attention of my Government.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

TO THE CHIEFS OF THE
ALLIED DELEGATIONS

SWEDISH REPRESENTATION IN GERMANY

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding which we have reached, the subject of Swedish representation in Germany was discussed.

We may confirm to you that the competent authorities of the Allied Governments have this matter under consideration and that it is hoped that satisfactory arrangements, in a manner compatible with the necessities of

the present situation in Germany, can in due course be worked out on an overall basis.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today in the following terms:

[Swedish note repeats first two paragraphs of preceding note.]

I am pleased to note your statement and I shall not fail to bring it to the attention of my Government.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

TO THE CHIEFS OF THE
ALLIED DELEGATIONS

PRINCIPLES AND PRACTICES TO BE APPLIED

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

In connection with the understanding we have reached, I have the honor to state on behalf of my Government that in the elimination of German interests in Sweden and the liquidation, sale, or transfer of German property, and in approving the transferees, the following principles and practices, *inter alia*, apply and will continue to be observed:

1. Due regard will be paid to world security interests, especially the interest of eliminating completely all forms of German control and economic

influence; to the interests of the national economy; and to the obtaining of the highest possible prices.

2. Sales will be made to non-German nationals and, when practicable, will be public sales, except in cases where the assets are acquired by the Swedish Government.

3. In any sales or liquidation, the interests of non-German foreign nationals will be protected to the same extent and in the same manner, whether direct or indirect interests are involved, as those of Swedish nationals, on condition of reciprocal treatment in the country of those nationals.

4. The FCCO will inquire into the bona fides of liens and claims against German property, particularly those which arose immediately prior to or after the outbreak of war.

5. German property to be dealt with under the understanding shall include all property owned or controlled, directly or indirectly, by any person or legal entity of German nationality inside of Germany, or subject to repatriation to Germany, other than persons whose case merits exceptional treatment.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR JUSTICE SANDSTRÖM:

We have the honor to acknowledge receipt of your letter of today in the following terms:

[Allied note repeats first six paragraphs of preceding note.]

We are pleased to note the principles which you have stated.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. McCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

SWEDISH CONTRIBUTIONS TO RECONSTRUCTION AND REHABILITATION

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I am authorized to make, on behalf of my Government, the following statement.

The Swedish Government in pursuing its policy to participate in the work of reconstruction and rehabilitation has in connection with the understanding we have reached found it appropriate to make the following contributions:

1. The Swedish Government will make available 50 million kronor to the Inter-Governmental Committee on Refugees for use in rehabilitation and resettlement of non-repatriable victims of German action.

You may rest assured that my Government, while reserving its decision as to the manner in which the funds will be made available, will use its best efforts to make the funds available as soon as possible and in such manner as to best carry out the aims of the Committee.

2. The Swedish Government will further make available 75 million kronor, which it will allocate among countries party to the Paris Agreement on Reparations. Decisions upon allocation will be made after exchanges of views with the Allies acting on behalf of those countries and with favorable consideration of their views.

There will also be consultation between the Swedish Government and each of the countries which may receive credit for any part of this sum as regards the extent to which or manner in which benefit from its share shall be applied either in the remission, reduction or extension of any existing or future credit with Sweden of each such country, or otherwise, as may be agreed between each such country and Sweden.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

TO THE CHIEFS OF THE
ALLIED DELEGATIONS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

We have the honor to acknowledge receipt of your letter of today in the following terms:

[Allied note repeats first six paragraphs of preceding note.]

We are pleased, on behalf of the Inter-Governmental Committee on Refugees and the countries signatory to the Paris Reparation Agreement, to note the contributions to be made by the Government of Sweden. We shall not fail to bring your statements on these subjects to their knowledge.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States
CHRISTIAN VALENSI
Chief of French Delegation
FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

JUSTICE EMIL SANDSTRÖM
Chief of Swedish Delegation

USE OF LIQUIDATION PROCEEDS

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

With regard to paragraphs 2 and 3 of the understanding concerning German assets in Sweden contained in the letters exchanged today,² I wish to recall that the Swedish Government has been able to make the engagement in paragraph 2 on the ground that the proceeds of the liquidation are German property and may be used as payment for deliveries of commodities for Germany in conformity with the Swedish clearing-legislation, provided compensation is given to the owner.

It is understood that the Russian Government has no claim to use the German assets in Sweden for the benefit of the Russian zone.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

We have the honor to acknowledge receipt of your letter of today in the following terms:

² *Ante*, p. 89.

[Allied note repeats first two paragraphs of preceding note.]

We understand that your statement is not intended to affect the arrangements described in paragraphs 2 and 3 of our understanding dealing with the disposition of German assets in Sweden and the indemnification of the German owners.

We may confirm to you that, pursuant to the Potsdam Protocol,³ the U.S.S.R. has waived any claim to German assets in Sweden for itself or for the zone in Germany in its charge.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States
CHRISTIAN VALENSI
Chief of French Delegation
FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

PROCEEDS OF PROPERTY OF NAZI VICTIMS WHO DIED WITHOUT HEIRS

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

In connection with the understanding we have reached, I have the honor to confirm to you my agreement to recommend to my Government that it should take steps with a view to putting at the disposal of the three Allied Governments, for purposes of relief, the proceeds of property found in Sweden which belong to victims of Nazi action who have died without heirs.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

We are glad to acknowledge receipt of your letter of today with respect

³ *Ante*, vol. 3, p. 1207.

to the property in Sweden of persons who have died as a result of Nazi action and left no heirs, and to hope that the proceeds of this property will be made available in the manner described in your letter.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCGOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

LOOTED GOLD

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.

July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the paragraph in the letters exchanged today dealing with looted gold, we wish to confirm to you our understanding that, in view of the evidence already produced and checked, no further claim will be presented to Sweden by the Governments signatory to the Paris Reparation Agreement or their banks of issue with regard to any gold acquired by Sweden from Germany and transferred to third countries prior to June 1, 1945.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States

CHRISTIAN VALENSI
Chief of French Delegation

FRANCIS W. MCGOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.

July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today in the following terms:

[Swedish note repeats first paragraph of preceding note.]

I shall not fail to bring your statement to the knowledge of my Government.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

GERMAN CHAMBER OF COMMERCE IN SWEDEN

The Chiefs of the Allied Delegations to the Chief of the Swedish Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the understanding reached today, we raised the problem of having access to the files of the German Chamber of Commerce in Sweden.

You stated that the Government of Sweden will disclose to the representatives of the Allies any information contained in the files of the German Chamber of Commerce which may be relevant to the objectives of our understanding.

In view of the fact that approximately two-thirds of the funds which were made available to the German Chamber of Commerce were furnished by the German Government or its agents, the Government of Sweden is requested sympathetically to consider the suggestion that it should accordingly treat that proportion of the net proceeds of liquidation as a German asset.

Accept, Sir, the renewed assurances of our most distinguished consideration.

SEYMOUR J. RUBIN
Chief of Delegation of United States
CHRISTIAN VALENSI
Chief of French Delegation
FRANCIS W. MCCOMBE
Chief of Delegation of United Kingdom

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chiefs of the Allied Delegations

WASHINGTON, D.C.
July 18, 1946

GENTLEMEN:

I have the honor to acknowledge receipt of your letter of today's date in the following terms:

[Swedish note repeats first three paragraphs of preceding note.]

I confirm the statement regarding the files of the German Chamber of Commerce. Your request regarding its assets will be given full examination.

Accept, Gentlemen, the renewed assurances of my most distinguished consideration.

EMIL SANDSTRÖM
Chief of Swedish Delegation

To the CHIEFS OF THE
ALLIED DELEGATIONS

UNBLOCKING OF SWEDISH HOLDINGS IN UNITED STATES

The Chief of the American Delegation to the Chief of the Swedish Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR JUSTICE SANDSTRÖM:

In connection with the coming into effect of the understanding we have reached, I am authorized to state that the United States of America will at the earliest possible date thereafter unblock the Swedish holdings in the United States, according to a procedure to be worked out by officials of that country and Swedish officials.

Accept, Sir, the renewed assurances of my most distinguished consideration.

Very truly yours,

SEYMOUR J. RUBIN
Chief of Delegation of United States

Justice EMIL SANDSTRÖM
Chief of Swedish Delegation

The Chief of the Swedish Delegation to the Chief of the American Delegation

WASHINGTON, D.C.
July 18, 1946

DEAR MR. RUBIN:

I have the honor to acknowledge receipt of your letter of today in the following terms:

[Swedish note repeats first paragraph of preceding note.]

Accept, Sir, the renewed assurances of my most distinguished consideration.

Very truly yours,

EMIL SANDSTRÖM
Chief of Swedish Delegation

MR. SEYMOUR J. RUBIN
Chief of Delegation of United States

WORLD HEALTH ORGANIZATION: INTERIM COMMISSION

Arrangement signed at New York July 22, 1946

Entered into force July 22, 1946

*Terminated August 31, 1948*¹

61 Stat. 2349; Treaties and Other
International Acts Series 1561

ARRANGEMENT CONCLUDED BY THE GOVERNMENTS REPRESENTED AT THE INTERNATIONAL HEALTH CONFERENCE, HELD IN THE CITY OF NEW YORK FROM 19 JUNE TO 22 JULY 1946

The governments represented at the International Health Conference convened on 19 June 1946 in the City of New York by the Economic and Social Council of the United Nations,

Having agreed that an international organization to be known as the World Health Organization shall be established,

Having this day agreed upon a Constitution for the World Health Organization,² and

Having resolved that, pending the coming into force of the Constitution and the establishment of the World Health Organization, as provided in the Constitution, an Interim Commission should be established,

Agree as follows:

1. There is hereby established an Interim Commission of the World Health Organization consisting of the following eighteen States entitled to designate persons to serve on it: Australia, Brazil, Canada, China, Egypt, France, India, Liberia, Mexico, Netherlands, Norway, Peru, Ukrainian Soviet Socialist Republic, United Kingdom, United States of America, Union of Soviet Socialist Republics, Venezuela and Yugoslavia. Each of these States should designate to the Interim Commission a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

2. The functions of the Interim Commission shall be:

¹ Pursuant to a resolution adopted by the First World Health Assembly July 21, 1948.

² TIAS 1808, *post*, p. 119.

(a) to convoke the first session of the World Health Assembly as soon as practicable, but not later than six months after the date on which the Constitution of the Organization comes into force;

(b) to prepare and submit to the signatories to this Arrangement, at least six weeks before the first session of the Health Assembly, the provisional agenda for that session and necessary documents and recommendations relating thereto, including:

(i) proposals as to programme and budget for the first year of the Organization,

(ii) studies regarding location of headquarters of the Organization,

(iii) studies regarding the definition of geographical areas with a view to the eventual establishment of regional organizations as contemplated in Chapter XI of the Constitution, due consideration being given to the views of the governments concerned, and

(iv) draft financial and staff regulations for approval by the Health Assembly.

In carrying out the provisions of this paragraph due consideration shall be given to the proceedings of the International Health Conference.

(c) to enter into negotiations with the United Nations with a view to the preparation of an agreement or agreements as contemplated in Article 57 of the Charter of the United Nations³ and in Article 69 of the Constitution. Such agreement or agreements shall:

(i) provide for effective co-operation between the two organizations in the pursuit of their common purposes;

(ii) facilitate, in conformity with Article 58 of the Charter, the coordination of the policies and activities of the Organization with those of other specialized agencies; and

(iii) at the same time recognize the autonomy of the Organization within the field of its competence as defined in its Constitution.

(d) to take all necessary steps to effect the transfer from the United Nations to the Interim Commission of the functions, activities, and assets of the League of Nations Health Organization which have been assigned to the United Nations;

(e) to take all necessary steps in accordance with the provisions of the Protocol concerning the *Office International d'Hygiène publique* signed 22 July 1946⁴ for the transfer to the Interim Commission of the duties and functions of the *Office*, and to initiate any action necessary to facilitate the transfer of the assets and liabilities of the *Office* to the World Health Organization upon the termination of the Rome Agreement of 1907;⁵

³ TS 993, *ante*, vol. 3, p. 1153.

⁴ TIAS 1754, *post*, p. 114.

⁵ TS 511, *ante*, vol. 1, p. 742.

(f) to take all necessary steps for assumption by the Interim Commission of the duties and functions entrusted to the United Nations Relief and Rehabilitation Administration by the International Sanitary Convention, 1944,⁶ modifying the International Sanitary Convention of 21 June 1926,⁷ the Protocol to Prolong the International Sanitary Convention, 1944,⁸ the International Sanitary Convention for Aerial Navigation, 1944,⁹ modifying the International Sanitary Convention for Aerial Navigation of 12 April 1933,¹⁰ and the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944;¹¹

(g) to enter into the necessary arrangements with the Pan American sanitary organization and other existing inter-governmental regional health organizations with a view to giving effect to the provisions of Article 54 of the Constitution, which arrangements shall be subject to approval by the Health Assembly;

(h) to establish effective relations and enter into negotiations with a view to concluding agreements with other inter-governmental organizations as contemplated in Article 70 of the Constitution;

(i) to study the question of relations with non-governmental international organizations and with national organizations in accordance with Article 71 of the Constitution, and to make interim arrangements for consultation and co-operation with such organizations as the Interim Commission may consider desirable;

(j) to undertake initial preparations for revising, unifying and strengthening existing international sanitary conventions;

(k) to review existing machinery and undertake such preparatory work as may be necessary in connection with:

(i) the next decennial revision of "The International Lists of Causes of Death" (including the lists adopted under the International Agreement of 1934 relating to Statistics of Causes of Death);¹² and

(ii) the establishment of International Lists of Causes of Morbidity;

(l) to establish effective liaison with the Economic and Social Council and such of its commissions as may appear desirable, in particular the Commission on Narcotic Drugs; and

(m) to consider any urgent health problem which may be brought to its notice by any government, to give technical advice in regard thereto, to bring urgent health needs to the attention of governments and organizations which may be in a position to assist, and to take such steps as may be desirable to co-ordinate any assistance such governments and organizations may undertake to provide.

⁶ TS 991, *ante*, vol. 3, p. 972.

⁷ TS 762, *ante*, vol. 2, p. 545.

⁸ TIAS 1551, *ante*, p. 53.

⁹ TS 992, *ante*, vol. 3, p. 982.

¹⁰ TS 901, *ante*, vol. 3, p. 89.

¹¹ TIAS 1552, *ante*, p. 56.

¹² EAS 80, *ante*, vol. 3, p. 242

3. The Interim Commission may establish such committees as it considers desirable.

4. The Interim Commission shall elect its Chairman and other officers, adopt its own rules of procedure, and consult such persons as may be necessary to facilitate its work.

5. The Interim Commission shall appoint an Executive Secretary who shall:

- (a) be its chief technical and administrative officer;
- (b) be ex-officio secretary of the Interim Commission and of all committees established by it;
- (c) have direct access to national health administrations in such manner as may be acceptable to the government concerned; and
- (d) perform such other functions and duties as the Interim Commission may determine.

6. The Executive Secretary, subject to the general authority of the Interim Commission, shall appoint such technical and administrative staff as may be required. In making these appointments he shall have due regard for the principles embodied in Article 35 of the Constitution. He shall take into consideration the desirability of appointing available personnel from the staffs of the League of Nations Health Organization, the *Office International d'Hygiène publique*, and the Health Division of the United Nations Relief and Rehabilitation Administration. He may appoint officials and specialists made available by governments. Pending the recruitment and organization of his staff, he may utilize such technical and administrative assistance as the Secretary-General of the United Nations may make available.

7. The Interim Commission shall hold its first session in New York immediately after its appointment and shall meet thereafter as often as may be necessary, but not less than once in every four months. At each session the Interim Commission shall determine the place of its next session.

8. The expenses of the Interim Commission shall be met from funds provided by the United Nations and for this purpose the Interim Commission shall make the necessary arrangements with the appropriate authorities of the United Nations. Should these funds be insufficient, the Interim Commission may accept advances from governments. Such advances may be set off against the contributions of the governments concerned to the Organization.

9. The Executive Secretary shall prepare and the Interim Commission shall review and approve budget estimates:

- (a) for the period from the establishment of the Interim Commission until 31 December 1946, and
- (b) for subsequent periods as necessary.

10. The Interim Commission shall submit a report of its activities to the Health Assembly at its first session.

11. The Interim Commission shall cease to exist upon resolution of the Health Assembly at its first session, at which time the property and records of the Interim Commission and such of its staff as may be required shall be transferred to the Organization.

12. This Arrangement shall come into force for all signatories on this day's date.

In faith whereof the undersigned representatives, having been duly authorized for that purpose, sign this Arrangement in the Chinese, English, French, Russian and Spanish languages, all texts being equally authentic.

Signed in the City of New York this twenty-second day of July 1946.

For Argentina:
ALBERTO ZWANCK

For Australia:
Subject to approval and acceptance
by Government of Commonwealth of
Australia.
A. H. TANGE

For the Kingdom of Belgium:
Subject to ratification [translation].
Dr. M. DE LAET

For Bolivia:
LUIS V. SOTELO

For Brazil:
GERALDO PAULA SOUZA

For Byelorussian Soviet Socialist Republic:
N. EVSTAFIEV

For Canada:
BROOKE CLAXTON
BROCK CHISHOLM

For Chile:
JULIO BUSTOS A.

For China:
SHEN, J. K.
L. CHIN YUAN
SZEMING SZE

For Colombia:
CARLOS URIBE AGUIRRE

For Costa Rica:
JAIME BENAVIDES

For Cuba:
Ad referendum
Dr. PEDRO NOGUEIRA
VICTOR SANTAMARINA

For Czechoslovakia:
Ad referendum
Dr. JOSEF CANČIK

For Denmark:
Ad referendum
J. OERSKOV

For the Dominican Republic:
Dr. L. F. THOMEN

For Ecuador:
R. NEVAREZ VÁSQUEZ

For Egypt:
Dr. A. T. CHOUCHA
TAHA ELSAYED NASR BEY
M. S. ABAZA

For El Salvador:
Ad referendum
ARÍSTIDES MOLL

For Ethiopia:
G. TESEMMA

For France:
J. PARISOT

For Greece:
Dr. PHOKION KOPANARIS

For Guatemala:
Ad referendum
G. MORÁN
J. A. MUÑOZ

For Haiti:
RULX LEÓN

For Honduras:
JUAN MANUEL FIALLOS

For India:

C. K. LAKSHMANAN
C. MANI

These signatures are appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with the Indian States.

For Iran:

GHASSEME GHANI M.D.
H. HAFEZI

For Iraq:

S. AL-ZAHAWI
Dr. IHSAN DOGRAMAJI

For Lebanon:

GEORGES HAKIM
Dr. A. MAKHLouF

For Liberia:

JOSEPH NAGBE TOGBA, M.D.
JOHN B. WEST, M.D.

For the Grand Duchy of Luxembourg:
Subject to ratification [translation].

Dr. M. DE LAET

For Mexico:

MONDRAGÓN

For the Kingdom of the Netherlands:

Ad referendum

C. BERG
C. BANNING
W. A. TIMMERMAN

For New Zealand:

Ad referendum

T. R. RITCHIE

For Nicaragua:

A. SEVILLA SACASA

For the Kingdom of Norway:

Ad referendum

H. TH. SANDBERG

For Panama:

Ad referendum

J. J. VALLARINO

For Paraguay:

ANGEL R. GINÉS

For Peru:

CARLOS ENRIQUE PAZ SOLDÁN
ALB. TORANZO

For the Republic of the Philippines:

H. LARA
WALFRIDO DE LEON

For Poland:

EDWARD GRZEGORZEWSKI

For Saudi Arabia:

DR. YAHIA NASRI
DR. MEDHAT CHEIKH EL ARDH

For Syria:

DR. C. TREFI

For Turkey:

Z. N. BARKER

For the Ukrainian Soviet Socialist
Republics:

L. I. MEDVED
I. I. KALTCHENKO

For the Union of Soviet Socialist
Republics:

F. G. KROTKOV

For the Union of South Africa:
Ad referendum

H. S. GEAR

For the United Kingdom of Great
Britain and Northern Ireland:

MELVILLE D. MACKENZIE
G. E. YATES

For the United States of America:

THOMAS PARRAN
MARTHA M. ELIOT
FRANK G. BOUDREAU

For Uruguay:

JOSÉ A. MORA
R. RIVERO
CARLOS M. BARBEROUSSE

For Venezuela:

A. ARREAZA GUZMÁN

For Yugoslavia:

DR. A. STAMPAR

For Afghanistan:

For Albania:

T. JAKOVA

For Austria:

DR. MARIUS KAISER

For Bulgaria:

DR. D. P. ORAHOVATZ

For Eire:

JOHN D. MACCORMACK

For Finland:

OSMO TURPEINEN

For Hungary:

For Iceland:

For Italy:

GIOVANNI ALBERTO CANAPERIA

For Portugal:

FRANCISCO JOSE C. CAMBOURNAC

For Rumania:

For Siam:

BUNLIANG TAMTHAI

For Sweden:

For Switzerland:

DR. J. EUGSTER

A. SAUTER

For Transjordan:

DR. D. P. TUTUNJI

For Yemen:

INTERNATIONAL OFFICE OF PUBLIC HEALTH

Protocol, with annex, signed at New York July 22, 1946

Senate advice and consent to ratification July 19, 1947

Ratified by the President of the United States July 28, 1947

Ratification of the United States deposited with the United Nations

August 7, 1947

Entered into force October 20, 1947

Proclaimed by the President of the United States May 19, 1948

62 Stat. 1604; Treaties and Other
International Acts Series 1754

PROTOCOL CONCERNING THE OFFICE INTERNATIONAL D'HYGIENE PUBLIQUE

Article 1

The Governments signatories to this protocol agree that, as between themselves, the duties and functions of the *Office Internationale d'Hygiène publique* as defined in the Agreement signed at Rome on 9 December 1907,¹ shall be performed by the World Health Organization or its Interim Commission and that, subject to existing international obligations, they will take the necessary steps to accomplish this purpose.

Article 2

The parties to this protocol further agree that, as between themselves, from the date when this protocol comes into force, the duties and functions conferred upon the *Office* by the International agreements listed in Annex 1 shall be performed by the Organization or its Interim Commission.

Article 3

The Agreement of 1907 shall be terminated and the *Office* dissolved when all parties to the Agreement have agreed to its termination. It shall be understood that any Government party to the Agreement of 1907, has agreed, by becoming party to this protocol, to the termination of the Agreement of 1907.

¹ TS 511, *ante*, vol. 1, p. 742.

Article 4

The parties to this protocol further agree that, if all the parties to the Agreement of 1907 have not agreed to its termination by 15 November 1949, they will then, in accordance with Article 8 thereof, denounce the Agreement of 1907.

Article 5

Any Government party to the Agreement of 1907 which is not a signatory to this protocol may at any time accept this protocol by sending an instrument of acceptance to the Secretary-General of the United Nations, who will inform all signatory and other Governments which have accepted this protocol of such accession.

Article 6

Governments may become parties to this protocol by:

- (a) signature without reservation as to approval;
- (b) signature subject to approval followed by acceptance; or
- (c) acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 7

This protocol shall come into force when twenty Governments parties to the Agreement of 1907 have become parties to this protocol.

IN FAITH WHEREOF the duly authorized representatives of their respective Governments have signed the present protocol, which is drawn up in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary-General of the United Nations. Authentic copies shall be furnished by the Secretary-General of the United Nations to each of the signatory and accepting Governments and to any other Government which, at the time this protocol is signed, is a party to the Agreement of 1907. The Secretary-General will as soon as possible notify each of the parties to this protocol when it comes into force.

DONE in the City of New York this twenty-second day of July 1946.

ANNEX I

1. International Sanitary Convention of 21 June 1926.²
2. Convention Modifying the International Sanitary Convention of 21 June 1926, signed 31 October 1938.³
3. International Sanitary Convention, 1944,⁴ Modifying the International Sanitary Convention of 21 June 1926.

² TS 762, *ante*, vol. 2, p. 545.

³ 198 LNTS 205.

⁴ TS 991, *ante*, vol. 3, p. 972.

4. Protocol to Prolong the International Sanitary Convention, 1944 ⁵ (opened for signature 23 April 1946; in force, 30 April 1946).
5. International Sanitary Convention for Aerial Navigation of 12 April 1933.⁶
6. International Sanitary Convention for Aerial Navigation, 1944,⁷ Modifying the International Sanitary Convention for Aerial Navigation of 12 April 1933.
7. Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944 ⁸ (opened for signature 23 April 1946; in force, 30 April 1946).
8. International Agreement Relating to Facilities to be Accorded to Merchant Seamen in the Treatment of Venereal Diseases, Brussels, 1 December 1924.⁹
9. Convention on Traffic in Opium and Drugs, Geneva, 19 February 1925.¹⁰
10. Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, Geneva, 13 July 1931.¹¹
11. Convention Relating to the Antidiphtheria Serum, Paris, 1 August 1930.¹²
12. International Convention for Mutual Protection against Dengue Fever, Athens, 25 July 1934.¹³
13. International Agreement for Dispensing with Bills of Health, Paris, 22 December 1934.¹⁴
14. International Agreement for Dispensing with Consular Visas on Bills of Health, Paris, 22 December 1934.¹⁵
15. International Agreement Concerning the Transport of Corpses, Berlin, 10 February 1937.¹⁶

For Argentina:

Ad referendum

ALBERTO ZWANCK

For Australia:

Subject to approval and acceptance
by Government of Commonwealth of
Australia.

A. H. TANGE

For the Kingdom of Belgium:

Subject to ratification [translation].

DR. M. DE LAET

For Bolivia:

LUIS V. SOTELO

For Brazil:

Ad referendum

GERALDO PAULA SOUZA

⁵ TIAS 1551, *ante*, p. 53.

⁶ TS 901, *ante*, vol. 3, p. 89.

⁷ TS 992, *ante*, vol. 3, p. 982.

⁸ TIAS 1552, *ante*, p. 56.

⁹ 78 LNTS 351.

¹⁰ 81 LNTS 317.

¹¹ TS 863, *ante*, vol. 3, p. 1.

¹² 128 LNTS 9.

¹³ 177 LNTS 59.

¹⁴ 183 LNTS 147.

¹⁵ 183 LNTS 153.

¹⁶ 189 LNTS 313.

- For Byelorussian Soviet Socialist Republic:
N. EVSTAFIEV
- For Canada:
Subject to approval.
BROOKE CLAXTON
BROCK CHISHOLM
- For Chile:
Ad referendum
JULIO BUSTOS A
- For China:
SHEN, J. K.
L. CHIN YUAN
SZEMING SZE
- For Colombia:
CARLOS URIBE AGUIRRE
- For Costa Rica:
JAIME BENAVIDES
- For Cuba:
Ad referendum
DR. PEDRO NOGUEIRA
VICTOR SANTAMARINA
- For Czechoslovakia:
Ad referendum
DR. JOSEF CANČÍK
- For Denmark:
Ad referendum
J. OERSKOV
- For the Dominican Republic:
Ad referendum
DR. L. F. THOMEN
- For Ecuador:
Ad referendum
R. NEVAREZ VÁSQUEZ
- For Egypt:
Subject to ratification.
DR. A. T. CHOUGHA
TAHA ELSAYED NASR
Royal Counsellor
M. S. ABAZA
- For El Salvador:
Ad referendum
- For Ethiopia:
Subject to ratification.
G. TESEMMA
- For France:
Ad referendum
J. PARISOT
- For Greece:
Ad referendum
DR. PHOKION KOPANARIS
- For Guatemala:
Ad referendum
G. MORÁN
J. A. MUÑOZ
- For Haiti:
Ad referendum
RULX LEÓN
- For Honduras:
Ad referendum
JUAN MANUEL FIALLOS
- For India:
Subject to Ratification.
C. K. LAKSHMANAN
C. MANI
These Signatures are appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with the Indian States.
- For Iran:
Subject to ratification by the Iranian Parliament (Madjliss).
GHASSEME GHANI, M.D.
Subject to ratification by the Iranian Parliament (Madjliss).
H. HAFEZI
- For Iraq:
Ad referendum
DR. IHSAN DOGRAMAJI
S. AL-ZAHAWI
- For Lebanon:
Ad referendum
GEORGES HAKIM
DR. A. MAKHLOUF
- For Liberia:
Ad referendum
JOSEPH NAGBE TOGBA, M.D.
JOHN B. WEST
- For the Grand Duchy of Luxembourg:
Subject to ratification [translation].
DR. M. DE LAET
- For Mexico:
Ad referendum
MONDRAGÓN
- For the Kingdom of the Netherlands:
Ad referendum
C. BERG
C. BANNING
W. A. TIMMERMAN
- For New Zealand:
Ad referendum
T. R. RITCHIE

- For Nicaragua:
Ad referendum
A. SEVILLA-SACASA
- For the Kingdom of Norway:
Ad referendum
H. TH. SANDBERG
- For Panama:
Ad referendum
J. J. VALLARINO
- For Paraguay:
Ad referendum
ANGEL R. GINÉS
- For Peru:
Ad referendum
CARLOS ENRIQUE PAZ SOLDAN
A. TORANZO
- For the Republic of the Philippines:
H. LARA
WALFRIDO DE LEON
- For Poland:
ED GRZEGORZEWSKI
- For Saudi Arabia:
DR. YAHIA NASRI
DR. MEDHAT CHEIKH-AL-ARDH
- For the Ukrainian Soviet Socialist Republic:
L. I. MEDVED
KALTCHENKO
- For Turkey:
Z. N. BARKER
- For Syria:
Subject to ratification.
DR. C. TREFI
- For the Union of Soviet Socialist Republics:
F. G. KROTKOV
- For the Union of South Africa:
Ad referendum
H. S. GEAR
- For the United Kingdom of Great Britain and Northern Ireland:
MELVILLE D. MACKENZIE
G. E. YATES
- For the United States of America:
Subject to approval.
THOMAS PARRAN
MARTHA M. ELIOT
FRANK G. BOUDREAU
- For Uruguay:
Ad referendum
JOSÉ A. MORA
R. RIVERO
CARLOS M. BARBEROUSSE
- For Venezuela:
Ad referendum
A. ARREAZA GUZMÁN
- For Yugoslavia:
With reservation as to the ratification.
DR. A. STAMPAR
- For Afghanistan:
- For Albania:
T. JAKOVA
- For Austria:
DR. MARIUS KAISER
- For Bulgaria:
DR. D. P. ORAHOVATZ
- For Eire:
Subject to acceptance.
JOHN D. MACCORMACK
- For Finland:
OSMO TURPEINEN
- For Hungary:
- For Iceland:
- For Italy:
Subject to ratification.
GIOVANNI ALBERTO CANAPERIA
- For Portugal:
Subject to ratification.
FRANCISCO C. CAMBOURNAC
- For Romania:
- For Siam:
BUNLIANG TAMTHAI
- For Sweden:
- For Switzerland:
Under reservation of ratification
[translation].
DR. J. EUGSTER
A. SAUTER
- For Transjordan:
DR. D. P. TUTUNJI
- For Yemen:

[The protocol was signed for Hungary, subject to acceptance, on February 19, 1947, and for Sweden, subject to acceptance, on June 16, 1947.]

WORLD HEALTH ORGANIZATION

*Constitution opened for signature at New York July 22, 1946, and signed for the United States, subject to approval, July 22, 1946 Accepted by the United States June 14, 1948, subject to the provisions of a Senate joint resolution of June 14, 1948*¹

Acceptance by the United States deposited with the United Nations June 21, 1948

*Entered into force April 7, 1948; for the United States June 21, 1948 Articles 24 and 25 amended by World Health Assembly May 28, 1959*²

62 Stat. 2679; Treaties and Other International Acts Series 1808

CONSTITUTION OF THE WORLD HEALTH ORGANIZATION

The States parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

¹ Secs. 4 and 5 of the joint resolution (62 Stat. 441) read as follows:

"SEC. 4. In adopting this joint resolution the Congress does so with the understanding that, in the absence of any provision in the World Health Organization Constitution for withdrawal from the Organization, the United States reserves its right to withdraw from the Organization on a one-year notice: *Provided, however,* That the financial obligations of the United States to the Organization shall be met in full for the Organization's current fiscal year.

"SEC. 5. In adopting this joint resolution, the Congress does so with the understanding that nothing in the Constitution of the World Health Organization in any manner commits the United States to enact any specific legislative program regarding any matters referred to in said Constitution."

² 11 UST 2553; TIAS 4643. A further amendment to arts. 24 and 25 was adopted by the Assembly May 23, 1967, and an amendment to art. 7 was adopted May 20, 1965; both are subject to acceptance by two-thirds of the members of WHO.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.

The achievement of any State in the promotion and protection of health is of value to all.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.

Informed opinion and active co-operation on the part of the public are of the utmost importance in the improvement of the health of the people.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

Accepting these principles, and for the purpose of co-operation among themselves and with others to promote and protect the health of all peoples, the contracting parties agree to the present Constitution and hereby establish the World Health Organization as a specialized agency within the terms of Article 57 of The Charter of the United Nations.³

CHAPTER I

OBJECTIVE

Article 1

The objective of the World Health Organization (hereinafter called the Organization) shall be the attainment by all peoples of the highest possible level of health.

CHAPTER II

FUNCTIONS

Article 2

In order to achieve its objective, the functions of the Organization shall be:

(a) to act as the directing and co-ordinating authority on international health work;

(b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;

³ TS 993, *ante*, vol. 3, p. 1167.

(c) to assist governments, upon request, in strengthening health services;
(d) to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of governments;

(e) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories;

(f) to establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;

(g) to stimulate and advance work to eradicate epidemic, endemic and other diseases;

(h) to promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;

(i) to promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;

(j) to promote co-operation among scientific and professional groups which contribute to the advancement of health;

(k) to propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;

(l) to promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;

(m) to foster activities in the field of mental health, especially those affecting the harmony of human relations;

(n) to promote and conduct research in the field of health;

(o) to promote improved standards of teaching and training in the health, medical and related professions;

(p) to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security;

(q) to provide information, counsel and assistance in the field of health;

(r) to assist in developing an informed public opinion among all peoples on matters of health;

(s) to establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;

(t) to standardize diagnostic procedures as necessary;

(u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;

(v) generally to take all necessary action to attain the objective of the Organization.

CHAPTER III

MEMBERSHIP AND ASSOCIATE MEMBERSHIP

Article 3

Membership in the Organization shall be open to all States.

Article 4

Members of the United Nations may become Members of the Organization by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes.

Article 5

The States whose governments have been invited to send observers to the International Health Conference held in New York, 1946, may become Members by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes provided that such signature or acceptance shall be completed before the first session of the Health Assembly.

Article 6

Subject to the conditions of any agreement between the United Nations and the Organization, approved pursuant to Chapter XVI, States which do not become Members in accordance with Articles 4 and 5 may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly.

Article 7

If a Member fails to meet its financial obligations to the Organization or in other exceptional circumstances the Health Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Health Assembly shall have the authority to restore such voting privileges and services.

Article 8

Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. Representatives of Associate Members to the Health Assembly should be qualified by their technical competence in the field of health and should be chosen from the native population. The nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly.

CHAPTER IV

ORGANS

Article 9

The work of the Organization shall be carried out by:

- (a) The World Health Assembly (herein called the Health Assembly);
- (b) The Executive Board (hereinafter called the Board);
- (c) The Secretariat.

CHAPTER V

THE WORLD HEALTH ASSEMBLY

Article 10

The Health Assembly shall be composed of delegates representing Members.

Article 11

Each Member shall be represented by not more than three delegates, one of whom shall be designated by the Member as chief delegate. These delegates should be chosen from among persons most qualified by their technical competence in the field of health, preferably representing the national health administration of the Member.

Article 12

Alternates and advisers may accompany delegates.

Article 13

The Health Assembly shall meet in regular annual session and in such special sessions as may be necessary. Special sessions shall be convened at the request of the Board or of a majority of the Members.

Article 14

The Health Assembly, at each annual session, shall select the country or region in which the next annual session shall be held, the Board subsequently fixing the place. The Board shall determine the place where a special session shall be held.

Article 15

The Board, after consultation with the Secretary-General of the United Nations, shall determine the date of each annual and special session.

Article 16

The Health Assembly shall elect its President and other officers at the beginning of each annual session. They shall hold office until their successors are elected.

Article 17

The Health Assembly shall adopt its own rules of procedure.

Article 18

The functions of the Health Assembly shall be:

- (a) to determine the policies of the Organization;
- (b) to name the Members entitled to designate a person to serve on the Board;
- (c) to appoint the Director-General;
- (d) to review and approve reports and activities of the Board and of the Director-General and to instruct the Board in regard to matters upon which action, study, investigation or report may be considered desirable;
- (e) to establish such committees as may be considered necessary for the work of the Organization;
- (f) to supervise the financial policies of the Organization and to review and approve the budget;
- (g) to instruct the Board and the Director-General to bring to the attention of Members and of international organizations, governmental or non-governmental, any matter with regard to health which the Health Assembly may consider appropriate;
- (h) to invite any organization, international or national, governmental or non-governmental, which has responsibilities related to those of the Organization, to appoint representatives to participate, without right of vote, in its meetings or in those of the committees and conferences convened under its authority, on conditions prescribed by the Health Assembly; but in the case of national organizations, invitations shall be issued only with the consent of the government concerned;
- (i) to consider recommendations bearing on health made by the General Assembly, the Economic and Social Council, the Security Council or Trusteeship Council of the United Nations, and to report to them on the steps taken by the Organization to give effect to such recommendations;
- (j) to report to the Economic and Social Council in accordance with any agreement between the Organization and the United Nations;
- (k) to promote and conduct research in the field of health by the personnel of the Organization, by the establishment of its own institutions or by co-operation with official or non-official institutions of any Member with the consent of its government;

- (l) to establish such other institutions as it may consider desirable;
- (m) to take any other appropriate action to further the objective of the Organization.

Article 19

The Health Assembly shall have authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements which shall come into force for each Member when accepted by it in accordance with its constitutional processes.

Article 20

Each Member undertakes that it will, within eighteen months after the adoption by the Health Assembly of a convention or agreement, take action relative to the acceptance of such convention or agreement. Each Member shall notify the Director-General of the action taken and if it does not accept such convention or agreement within the time limit, it will furnish a statement of the reasons for non-acceptance. In case of acceptance, each Member agrees to make an annual report to the Director-General in accordance with Chapter XIV.

Article 21

The Health Assembly shall have authority to adopt regulations concerning:

- (a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;
- (b) nomenclature with respect to diseases, causes of death, and public health practices;
- (c) standards with respect to diagnostic procedures for international use;
- (d) standards with respect to the safety, purity and potency of biological, pharmaceutical and similar products moving in international commerce;
- (e) advertising and labelling of biological, pharmaceutical and similar products moving in international commerce.

Article 22

Regulations adopted pursuant to Article 21 shall come into force for all Members after due notice has been given of their adoption by the Health Assembly except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice.

Article 23

The Health Assembly shall have authority to make recommendations to Members with respect to any matter within the competence of the Organization.

CHAPTER VI

THE EXECUTIVE BOARD

Article 24

The Board shall consist of eighteen persons designated by as many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

Article 25

These Members shall be elected for three years and may be reelected; provided that of the Members elected at the first session of the Health Assembly, the terms of six Members shall be for one year and the terms of six Members shall be for two years, as determined by lot.

Article 26

The Board shall meet at least twice a year and shall determine the place of each meeting.

Article 27

The Board shall elect its Chairman from among its members and shall adopt its own rules of procedure.

Article 28

The functions of the Board shall be:

- (a) to give effect to the decisions and policies of the Health Assembly;
- (b) to act as the executive organ of the Health Assembly;
- (c) to perform any other functions entrusted to it by the Health Assembly;
- (d) to advise the Health Assembly on questions referred to it by that body and on matters assigned to the Organization by conventions, agreements and regulations;
- (e) to submit advice or proposals to the Health Assembly on its own initiative;
- (f) to prepare the agenda of meetings of the Health Assembly;
- (g) to submit to the Health Assembly for consideration and approval a general programme of work covering a specific period;
- (h) to study all questions within its competence;
- (i) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action. In particular it may authorize the Director-General to take the necessary steps to combat epidemics, to participate in the organization of health relief

to victims of a calamity and to undertake studies and research the urgency of which has been drawn to the attention of the Board by any Member or by the Director-General.

Article 29

The Board shall exercise on behalf of the whole Health Assembly the powers delegated to it by that body.

CHAPTER VII

THE SECRETARIAT

Article 30

The Secretariat shall comprise the Director-General and such technical and administrative staff as the Organization may require.

Article 31

The Director-General shall be appointed by the Health Assembly on the nomination of the Board on such terms as the Health Assembly may determine. The Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization.

Article 32

The Director-General shall be *ex officio* Secretary of the Health Assembly, of the Board, of all commissions and committees of the Organization and of conferences convened by it. He may delegate these functions.

Article 33

The Director-General or his representative may establish a procedure by agreement with Members, permitting him, for the purpose of discharging his duties, to have direct access to their various departments, especially to their health administrations and to national health organizations, governmental or non-governmental. He may also establish direct relations with international organizations whose activities come within the competence of the Organization. He shall keep Regional Offices informed on all matters involving their respective areas.

Article 34

The Director-General shall prepare and submit annually to the Board the financial statements and budget estimates of the Organization.

Article 35

The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Health Assembly. The para-

mount consideration in the employment of the staff shall be to assure that the efficiency, integrity and internationally representative character of the Secretariat shall be maintained at the highest level. Due regard shall be paid also to the importance of recruiting the staff on as wide a geographical basis as possible.

Article 36

The conditions of service of the staff of the Organization shall conform as far as possible with those of other United Nations organizations.

Article 37

In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.

CHAPTER VIII

COMMITTEES

Article 38

The Board shall establish such committees as the Health Assembly may direct and, on its own initiative or on the proposal of the Director-General, may establish any other committees considered desirable to serve any purpose within the competence of the Organization.

Article 39

The Board, from time to time and in any event annually, shall review the necessity for continuing each committee.

Article 40

The Board may provide for the creation of or the participation by the Organization in joint or mixed committees with other organizations and for the representation of the Organization in committees established by such other organizations.

CHAPTER IX

CONFERENCES

Article 41

The Health Assembly or the Board may convene local, general, technical or other special conferences to consider any matter within the competence

of the Organization and may provide for the representation at such conferences of international organizations and, with the consent of the government concerned, of national organizations, governmental or non-governmental. The manner of such representation shall be determined by the Health Assembly or the Board.

Article 42

The Board may provide for representation of the Organization at conferences in which the Board considers that the Organization has an interest.

CHAPTER X

HEADQUARTERS

Article 43

The location of the headquarters of the Organization shall be determined by the Health Assembly after consultation with the United Nations.

CHAPTER XI

REGIONAL ARRANGEMENTS

Article 44

(a) The Health Assembly shall from time to time define the geographical areas in which it is desirable to establish a regional organization.

(b) The Health Assembly may, with the consent of a majority of the Members situated within each area so defined, establish a regional organization to meet the special needs of such area. There shall not be more than one regional organization in each area.

Article 45

Each regional organization shall be an integral part of the Organization in accordance with this Constitution.

Article 46

Each regional organization shall consist of a Regional Committee and a Regional Office.

Article 47

Regional Committees shall be composed of representatives of the Member States and Associate Members in the region concerned. Territories or groups of territories within the region, which are responsible for the conduct of

their international relations and which are not Associate Members, shall have the right to be represented and to participate in Regional Committees. The nature and extent of the rights and obligations of these territories or groups of territories in Regional Committees shall be determined by the Health Assembly in consultation with the Member or other authority having responsibility for the international relations of these territories and with the Member States in the region.

Article 48

Regional Committees shall meet as often as necessary and shall determine the place of each meeting.

Article 49

Regional Committees shall adopt their own rules of procedure.

Article 50

The functions of the Regional Committee shall be:

- (a) to formulate policies governing matters of an exclusively regional character;
- (b) to supervise the activities of the Regional Office;
- (c) to suggest to the Regional Office the calling of technical conferences and such additional work or investigation in health matters as in the opinion of the Regional Committee would promote the objective of the Organization within the region;
- (d) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the Organization;
- (e) to tender advice, through the Director-General, to the Organization on international health matters which have wider than regional significance;
- (f) to recommend additional regional appropriations by the governments of the respective regions if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions;
- (g) such other functions as may be delegated to the Regional Committee by the Health Assembly, the Board or the Director-General.

Article 51

Subject to the general authority of the Director-General of the Organization, the Regional Office shall be the administrative organ of the Regional Committee. It shall, in addition, carry out within the region the decisions of the Health Assembly and of the Board.

Article 52

The head of the Regional Office shall be the Regional Director appointed by the Board in agreement with the Regional Committee.

Article 53

The staff of the Regional Office shall be appointed in a manner to be determined by agreement between the Director-General and the Regional Director.

Article 54

The Pan American sanitary organization represented by the Pan American Sanitary Bureau and the Pan American Sanitary Conferences, and all other inter-governmental regional health organizations in existence prior to the date of signature of this Constitution, shall in due course be integrated with the Organization. This integration shall be effected as soon as practicable through common action based on mutual consent of the competent authorities expressed through the organizations concerned.

CHAPTER XII

BUDGET AND EXPENSES

Article 55

The Director-General shall prepare and submit to the Board the annual budget estimates of the Organization. The Board shall consider and submit to the Health Assembly such budget estimates, together with any recommendations the Board may deem advisable.

Article 56

Subject to any agreement between the Organization and the United Nations, the Health Assembly shall review and approve the budget estimates and shall apportion the expenses among the Members in accordance with a scale to be fixed by the Health Assembly.

Article 57

The Health Assembly or the Board acting on behalf of the Health Assembly may accept and administer gifts and bequests made to the Organization provided that the conditions attached to such gifts or bequests are acceptable to the Health Assembly or the Board and are consistent with the objective and policies of the Organization.

Article 58

A special fund to be used at the discretion of the Board shall be established to meet emergencies and unforeseen contingencies.

CHAPTER XIII

VOTING

Article 59

Each Member shall have one vote in the Health Assembly.

Article 60

(a) Decisions of the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and inter-governmental organizations and agencies in accordance with Articles 69, 70 and 72; amendments to this Constitution.

(b) 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.

(c) Voting on analogous matters in the Board and in committees of the Organization shall be made in accordance with paragraphs (a) and (b) of this Article.

CHAPTER XIV

REPORTS SUBMITTED BY STATES

Article 61

Each Member shall report annually to the Organization on the action taken and progress achieved in improving the health of its people.

Article 62

Each Member shall report annually on the action taken with respect to recommendations made to it by the Organization and with respect to conventions, agreements and regulations.

Article 63

Each Member shall communicate promptly to the Organization important laws, regulations, official reports and statistics pertaining to health which have been published in the State concerned.

Article 64

Each Member shall provide statistical and epidemiological reports in a manner to be determined by the Health Assembly.

Article 65

Each Member shall transmit upon the request of the Board such additional information pertaining to health as may be practicable.

CHAPTER XV

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 66

The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its objective and for the exercise of its functions.

Article 67

(a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfilment of its objective and for the exercise of its functions.

(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel 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.

Article 68

Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.

CHAPTER XVI

RELATIONS WITH OTHER ORGANIZATIONS

Article 69

The Organization shall be brought into relation with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. The agreement or agreements bringing the Organization into relation with the United Nations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 70

The Organization shall establish effective relations and co-operate closely with such other inter-governmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 71

The Organization may, on matters within its competence, make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

Article 72

Subject to the approval by a two-thirds vote of the Health Assembly, the Organization may take over from any other international organization or agency whose purpose and activities lie within the field of competence of the Organization such functions, resources and obligations as may be conferred upon the Organization by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

CHAPTER XVII

AMENDMENTS

Article 73

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to Members at least six months in advance of their consideration by the Health Assembly. Amendments shall come into force for all Members when adopted by a two-thirds vote of the Health Assembly and accepted by two-thirds of the Members in accordance with their respective constitutional processes.

CHAPTER XVIII

INTERPRETATION

Article 74

The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

Article 75

Any question or dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health Assembly shall be referred to the International Court of Justice in conformity with the Statute of the Court,⁴ unless the parties concerned agree on another mode of settlement.

⁴ TS 993, *ante*, vol. 3, p. 1179.

Article 76

Upon authorization by the General Assembly of the United Nations or upon authorization in accordance with any agreement between the Organization and the United Nations, the Organization may request the International Court of Justice for an advisory opinion on any legal question arising within the competence of the Organization.

Article 77

The Director-General may appear before the Court on behalf of the Organization in connection with any proceedings arising out of any such request for an advisory opinion. He shall make arrangements for the presentation of the case before the Court including arrangements for the argument of different views on the question.

CHAPTER XIX

ENTRY INTO FORCE

Article 78

Subject to the provisions of Chapter III, this Constitution shall remain open to all States for signature or acceptance.

Article 79

(a) States may become parties to this Constitution by

- (i) signature without reservation as to approval;
- (ii) signature subject to approval followed by acceptance; or
- (iii) acceptance.

(b) Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 80

This Constitution shall come into force when twenty-six Members of the United Nations have become parties to it in accordance with the provisions of Article 79.

Article 81

In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution when it has been signed without reservation as to approval on behalf of one State or upon deposit of the first instrument of acceptance.

Article 82

The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force. He will also inform them of the dates when other States have become parties to this Constitution.

In faith whereof the undersigned representatives having been duly authorized for that purpose, sign this Constitution.

Done in the City of New York this twenty-second day of July 1946, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies to each of the Governments represented at the Conference.

For Argentina:
Ad referendum
ALBERTO ZWANCK

For Australia:
Subject to approval and acceptance by
Government of Commonwealth
of Australia.
A. H. TANGE

For the Kingdom of Belgium:
Subject to ratification [translation].
DR. M. DE LAET

For Bolivia:
Ad referendum
LUIS V. SOTELO

For Brazil:
Ad referendum
GERALDO H. DE PAULA SOUZA

For the Byelorussian Soviet Socialist
Republic:
Subject to ratification by the Govern-
ment [translation].
N. EVSTAFIEV

For Canada:
Subject to approval.
BROOKE CLAXTON
BROCK CHISHOLM

For Chile:
Subject to constitutional approval
[translation].
JULIO BUSTOS

For China:
SHEN, J. K.
I. CHIN YUAN
SZEMING SZE

For Colombia:
Ad referendum
CARLOS URIBE AGUIRRE

For Costa Rica:
Ad referendum
JAIME BENAVIDES

For Cuba:
Ad referendum
DR. PEDRO NOGUEIRA
VÍCTOR SANTAMARINA

For Czechoslovakia:
Ad referendum
DR. JOSEF CANČÍK

For Denmark:
Ad referendum
J. OERSKOV

For the Dominican Republic:
Ad referendum
DR. L. F. THOMEN

For Ecuador:
Ad referendum
R. NEVAREZ VÁSQUEZ

For Egypt:
Subject to ratification.
DR. A. T. CHOUGHA
TAHA ELSAYED NASR BEY
M. S. ABAZA

For El Salvador:
Ad referendum
ARÍSTIDES MOLL

For Ethiopia:
Subject to ratification.
G. TESEMMA

- For France:
Ad referendum
J. PARISOT
- For Greece:
Ad referendum
DR. PHOKION KOPANARIS
- For Guatemala:
Ad referendum
G. MORÁN
J. A. MUÑOZ
- For Haiti:
Ad referendum
RULX LEÓN
- For Honduras:
Ad referendum
JUAN MANUEL FIALLOS
- For India:
Subject to ratification. These signatures are appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with the Indian States.
C. K. LAKSHMANAN
C. MANI
- For Iran:
Subject to ratification by the Iranian Parliament (Madjliss).
GHASSEME GHANI
H. HAFEZI
- For Iraq:
Ad referendum
S. AL-ZAHAWI
DR. IHSAN DOGRAMAJI
- For Lebanon:
Ad referendum
GEORGES HAKIM
DR. A. MAKHLIOUS
- For Liberia:
Ad referendum
JOSEPH NAGBE TOGBA
JOHN B. WEST
- For the Grand Duchy of Luxembourg:
Subject to ratification [translation].
DR. M. DE LAET
- For Mexico:
Ad referendum
MONDRAGON
- For the Kingdom of the Netherlands:
Ad referendum
C. VAN DEN BERG
C. BANNING
W. A. TIMMERMAN
- For New Zealand:
Ad referendum
T. R. RITCHIE
- For Nicaragua:
Ad referendum
A. SEVILLA-SACASA
- For the Kingdom of Norway:
Ad referendum
HANS TH. SANDBERG
- For Panama:
Ad referendum
J. J. VALLARINO
- For Paraguay:
Ad referendum
ANGEL R. GINÉS
- For Peru:
Ad referendum
CARLOS ENRIQUE PAZ SOLDÁN
A. TORANZO
- For the Republic of the Philippines:
Ad referendum
H. LARA
WALFRIDO DE LEON
- For Poland:
Ad referendum
EDWARD GRZEGORZEWSKI
- For Saudi Arabia:
Subject to ratification [translation].
DR. YAHIA NASRI
DR. MEDHAT CHEIKH-AL-ARDH
- For Syria:
Subject to ratification.
DR. C. TREFI
- For Turkey:
Subject to ratification. I sign subject to approval and confirmation by my Government [translation].
Z. N. BARKER
- For the Ukrainian Soviet Socialist Republic:
Subject to ratification by the Supreme Council of the Ukrainian Soviet Socialist Republic [translation].
L. I. MEGVED
I. I. KALTCHENKO
- For the Union of Soviet Socialist Republics:
Subject to ratification by the Presidium of the Supreme Council of the Union of Soviet Socialist Republics [translation].
F. G. KROTKOV

- For the Union of South Africa:
Ad referendum
H. S. GEAR
- For the United Kingdom of Great
Britain and Northern Ireland:
MELVILLE D. MACKENZIE
G. E. YATES
- For the United States of America:
Subject to approval.
THOMAS PARRAN
MARTHA M. ELIOT
FRANK G. BOUDREAU
- For Uruguay:
Ad referendum
JOSÉ A. MORA
R. RIVERO
CARLOS M. BARBEROUSSE
- For Venezuela:
Ad referendum
A. ARREAZA GUZMÁN
- For Yugoslavia:
With reservation as to ratification.
DR. A. STAMPAR
- For Afghanistan:
- For Albania:
With reservation [translation].
T. JAKOVA
- For Austria:
With reservation.
DR. MARIUS KAISER
- For Bulgaria:
Subject to ratification.
DR. D. P. ORAHOVATZ
- For Eire:
Subject to acceptance.
JOHN D. MACCORMACK
- For Finland:
Ad referendum
OSMOS TURPEINEN
- For Hungary:
- For Iceland:
- For Italy:
Subject to ratification.
GIOVANNI ALBERTO CANAPERIA
- For Portugal:
Subject to ratification.
FRANCISCO C. CAMBOURNAG
- For Romania:
- For Siam:
Subject to approval.
BUNLIANG TAMTHA
- For Sweden:
- For Switzerland:
Subject to ratification [translation].
DR. J. EUGSTER
A. SAUTER
- For Transjordan:
Subject to ratification.
DR. D. P. TUTUNJI
- For Yemen:

[The constitution was signed for Hungary, subject to ratification, on February 19, 1947; for Sweden, subject to ratification, on January 13, 1947; for Yemen on November 20, 1953; and for Zambia on February 2, 1965.]

GERMAN-OWNED PATENTS

Accord signed at London July 27, 1946

Entered into force November 30, 1946

Amended by protocol of July 17, 1947

[For text of accord and amendment, see 3 UST 552, 560; TIAS 2415.]

INTERNATIONAL COURT OF JUSTICE: UNITED STATES RECOGNITION OF COMPULSORY JURISDICTION

Declaration by the President of the United States signed August 14, 1946

Senate advice and consent to deposit August 2, 1946

Deposited with the United Nations August 26, 1946

61 Stat. 1218; Treaties and Other
International Acts Series 1598

DECLARATION ON THE PART OF THE UNITED STATES OF AMERICA

I, Harry S. Truman, President of the United States of America, declare on behalf of the United States of America, under Article 36, paragraph 2, of the Statute of the International Court of Justice,¹ and in accordance with the Resolution of August 2, 1946, of the Senate of the United States of America (two-thirds of the Senators present concurring therein), that the United States of America recognizes as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising 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;

Provided, that this declaration shall not apply to

- a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

¹ TS 993, *ante*, vol. 3, p. 1186.

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America; or

c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States of America specially agrees to jurisdiction; and

Provided further, that this declaration shall remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate this declaration.

Done at Washington this fourteenth day of August 1946.

HARRY S. TRUMAN

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol signed at London August 30, 1946, prolonging agreement of
May 6, 1937*¹

Senate advice and consent to ratification April 24, 1947

Ratified by the President of the United States May 7, 1947

Ratification of the United States deposited at London May 20, 1947

*Entered into force September 1, 1946; for the United States May 20,
1947, operative from September 1, 1946*

Proclaimed by the President of the United States May 27, 1947

61 Stat. 1236; Treaties and Other
International Acts Series 1614

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 further Protocols signed in London on the 31st August, 1944,⁴ and the 31st August, 1945,⁵ it was agreed that, subject to the provisions of Article 2 of the said Protocols, the Agreement should continue in force between the Governments signatory thereof for periods of one year terminating on the 31st August, 1945, and the 31st August, 1946, respectively;

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. 29, 1947 (TIAS 1755, *post*, p. 556).

² TS 990, *ante*, vol. 3, p. 388.

³ TS 990, *ante*, vol. 3, p. 722.

⁴ TS 990, *ante*, vol. 3, p. 899.

⁵ TIAS 1523, *ante*, vol. 3, p. 1248.

further term as between themselves, subject, in view of the present situation, 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, 1946.

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 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 30th August, 1946, and shall remain open for signature until the 30th September, 1946; provided however that any signatures appended after the 30th August, 1946, 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 30th day of August, 1946, 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:
NORMAN R. MIGHELL

For the Government of Belgium:
G. WALRAVENS

For the Government of Brazil:
MONIZ DE ARAGÃO

For the Government of Cuba:
G. DE BLANCK

For the Government of Czechoslovakia:
B. MESSÁNY

For the Government of the Dominican
Republic:
A. PASTORIZA

For the Government of the French Re-
public:
J. PARIS

For the Government of the United King-
dom of Great Britain and Northern
Ireland:
O. G. SARGENT

For the Government of Haiti:
LÉON LALEAU

For the Government of the Netherlands:
A. BENTINCK

For the Government of Peru:
F. BERCKEMEYER

For the Government of the Republic of
the Philippines:
W. J. GALLMAN
Subject to ratification for and in
name of the Republic of the Phil-
ippines.

For the Government of Poland:
ZYGMUNT TUSZKIEWICZ

For the Government of Portugal:
FELIX B. M. DA HORTA

For the Government of the Union of
Soviet Socialist Republics:
VLAS A. KLENTSOV

For the Government of the United States
of America:
W. J. GALLMAN
Subject to ratification.

For the Government of the Federal Peo-
ple's Republic of Yugoslavia:
Dr. FRANC KOS

POSTAL UNION OF THE AMERICAS AND SPAIN

*Convention and final protocol signed at Rio de Janeiro September 25, 1946*¹

Ratified and approved by the Postmaster General of the United States February 20, 1947

Approved by the President of the United States February 27, 1947

Ratification of the United States deposited at Rio de Janeiro June 22, 1948

Entered into force January 1, 1947

*Terminated by convention of November 9, 1950*²

61 Stat. 3479; Treaties and Other
International Acts Series 1680

[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, the United States of Venezuela, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

The undersigned, Plenipotentiaries of the Governments of the countries enumerated, assembled in Congress in the city of Rio de Janeiro, Republic of the United States of Brazil, in exercise of the right granted them by the Convention of the Universal Postal Union in force, and inspired by the desire to extend, facilitate 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, *ad referendum*, the following Convention:

¹ For text of regulations for execution of the convention, see 61 Stat. 3518 or p. 47 of TIAS 1680.

² 2 UST 1323; TIAS 2286.

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.

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 convenient, 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, without any charge whatsoever to the contracting countries, all correspondence which the latter send to any destination.

2. In case 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

Convention and Agreements of the Union

Articles of correspondence

1. The provisions of this Convention and its Regulations of Execution³ will regulate all matters and services relative to correspondence.

2. The other services will be governed by the Agreements of this Union, by those which the countries may sign among themselves on the subject, or, in their absence, by those of the Universal Postal Union.

³ See footnote 1, p. 145.

3. The denomination "articles of correspondence" applies to letters, single and reply post cards, commercial papers, prints, raised print for the use of the blind, samples of merchandise, small packets, and phonopostal articles.

4. The exchange of small packets and phonopostal articles will be restricted to the countries which agree to execute it, either in their reciprocal relations or in only one direction.

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 regime.

3. For small packets the rate will govern which is determined in Article 6 of this Convention.

4. The contracting Powers may fix a storage charge, upon previous agreement among the interested Administrations, for printed matter, when they deem it desirable.

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 regulated by the Universal Convention will not be obliged to observe, in their reciprocal relations, any provision in conflict with the respective stipulations of said Convention.

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 40 centimes of a gold franc at most for the operations, formalities and handling involved in customs clearance;

b) A fee which will not exceed 15 centimes of a gold franc for the delivery of each packet; that fee will 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

Reply Coupons

1. Under the Postal Union of the Americas and Spain, the selling-price to the public of reply coupons shall be fixed by the interested Administration, but may not be lower than the equivalent of 15 centimes of a gold franc in the money of the country which issues them.

2. Each coupon is exchangeable, in any of the countries which form the Union, for a stamp or stamps representing the postage on an ordinary letter originating in the same country destined for another country of the Union. The period of validity of the coupon is unlimited.

3. Reply coupons will be printed by the International Office of Montevideo and will be furnished to the Administrations of the Union at cost.

4. In the settlement of accounts among the Administrations the value of the reply coupons will be calculated at the rate of 15 centimes of a gold franc per unit.

5. When the annual balance in the relations between two Administrations is not more than 10 gold francs, the debtor Administration will be exempt from any payment.

6. Administrations will be allowed to refuse to sell reply coupons, although their exchange is obligatory.

7. When the settlement of accounts arising from the exchange of Americo-Spanish reply coupons is not effected directly between the Administrations concerned, the International Office of Montevideo will act as intermediary. In this case, it will make up an annual statement of debtor and creditor Administrations, in accordance with the respective provisions of the Universal Postal Union.

ARTICLE 8

Return, forwarding or change of address

The provisions of the Convention of the Universal Postal Union and its Regulations of Execution relative to the requests for return or change of address and reforwarding will govern in the Postal Union of the Americas and Spain; such requests, however, will be deemed out of order after the Administration of destination has sent the articles to the jurisdiction of the Customs.

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, being able, however, to request a smaller indemnity.

3. Administrations will be relieved of responsibility for loss of registered articles whose contents fall under the prohibitions of the Universal Postal Convention, or which are prohibited by the laws and regulations of the country of origin or of destination, provided that said countries have given due notice by the usual means.

4. There is maintained, as optional, a special category of registers without right to indemnity, applicable to the articles of correspondence referred to in Section 3 of Article 4 of this Convention. The Administrations which put this service into effect are obliged to communicate the fact to the International Office by the most rapid means, so that it may circularize the information among the other countries. Articles to which a reduced registry is applicable will be endorsed on the reverse side with the letters "S. I." (without indemnity) and a similar notation will be made in the descriptive lists, in the "Observations" column, as well as on inquiries made in order to determine the whereabouts of the matter.

5. 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

Inquiries

Complaints or requests for information regarding any article will be charged with a fee equal to that established in the domestic regimes of the contracting powers, except when such domestic fee is higher than that established by the Universal Postal Convention, in which case the latter will govern.

ARTICLE 11

Articles subject to customs clearance

1. The application of the label, C-1, established by the Universal Postal Convention, to articles of correspondence whose contents are subject to

customs duties in the country of destination, is obligatory. The use of the declaration, C-2, is optional for the aforementioned articles.

2. Nevertheless, for unsealed matter, except small packets, the use of neither of the documents mentioned in the foregoing Section is obligatory, without prejudice to customs clearance by the country of destination.

ARTICLE 12

Weight and dimensions

1. The limits of weight and dimensions of articles of correspondence will conform to those fixed by the Universal Postal Convention, with the exception of prints whose weight can attain 5 kilograms, or even as much as 10 kilograms when it is a question of works in a single volume. However, articles with a weight greater than 5, but not exceeding 10 kilograms will be accepted even when it is not a question of works in a single volume, if previous agreement is made between the Administrations concerned.

2. Articles in roll form, when it is a question of indivisible objects, may measure as much as 120 centimeters, adding their length to the diameters of both bases, but the greatest dimension may not exceed 100 centimeters.

ARTICLE 13

Franking privilege

1. The contracting parties agree to grant the franking privilege, 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 these 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 these 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 and Vice-Consuls acting as Consuls, send to their respective countries; to that which they exchange among themselves; to that which they address to the authorities 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. The correspondence referred to by paragraphs (a), (b) and (c) of the preceding Section may also be sent free of postage under registration, but without right to indemnity.

3. Official correspondence of the Central Governments of the countries of the Postal Union of the Americas and Spain which circulates free in their domestic services under their domestic legislation is admitted to the same franking privilege in the country of destination without the collection of any charge therefor, whenever strict reciprocity is observed.

4. 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 the Pan American and Universal Conventions in force.

5. The exchange of correspondence of the Diplomatic Corps, between the Secretariats 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 105 of the Regulations of Execution. These pouches will enjoy the franking privilege and all safeguards of official dispatches.

6. The franking privilege dealt with in the present Article will not affect the air service or other special services existing in the Americo-Spanish regime or in the domestic services of the contracting countries.

ARTICLE 14

Reduction of rates

Articles of correspondence other than small packets exchanged by administrations of schools of the countries of the Postal Union of the Americas and Spain, or among the students of the same through their directors will enjoy a 50% reduction in the ordinary rate so long as their weight does not exceed 1 kilogram and they satisfy the other conditions for their postal classification.

ARTICLE 15

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.

ARTICLE 16

Service forms sent by air mail

1. The forms provided for in the Regulations of Execution of the Universal Postal Convention for requests for the withdrawal of correspondence or change of address, as well as those provided for inquiries regarding articles of correspondence and requests for information, may be dispatched by air mail.

2. To this end the Forms C-11, C-12 and C-14 will be differentiated in the following manner: blue color for those which must be forwarded by air mail and pink for those which must be also answered by air mail.

3. The forwarding by air will give rise to the collection of a supplementary fee which the sender will pay when he fills out his form. It will be the equivalent to the postage for an air mail letter of 5 grams to the country of destination or to double this rate if a prepaid reply by air is requested. These payments will accrue exclusively to the country which collects them.

ARTICLE 17

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 18

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. Likewise, they 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 exchange of functionaries.

Notwithstanding what has been established previously, the Administrations may also make agreements to send functionaries for apprenticeship or instruction without its being required that an interchange of functionaries take place.

3. Once that the exchange or unilateral assignment of functionaries provided for by the preceding Sections is agreed upon between two or more Administrations, the latter will decide upon the manner in which the relative expenses are to be shared, and, when they consider it necessary, upon the initiative and through the intermediary of the International Office of Montevideo.

ARTICLE 19

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 and 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. They will enjoy the same rights and obligations which the postal laws of the Republic of Panama establish for the employees of the Postal Services.

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 their own 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 payments which are not made within a period of six months from the date on which the debtor Administration received the account submitted to it by the International Transfer Office, will bear interest at the rate of 5% per year payable to the latter Office.

ARTICLE 20

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 21

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 the 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 to it.

g) Making a summary of Americo-Spanish postal statistics, on the basis of data which each Administration communicates to it annually, for which purpose a questionnaire with complete and detailed requests for postal statistical data in accordance with a scientific and rational plan, will be submitted to all Administrations.

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.

j) Publishing the tariff of postage rates of the domestic service of each of the countries concerned.

k) Preparing a table of equivalents of the money of the countries concerned in gold francs and dollars.

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

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

n) Taking part and collaborating in the organization and convening of Congresses and Conferences of the Postal Union of the Americas and Spain.

o) 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.

p) Organizing a special section charged with collecting the stamps sent to the Administrations in compliance with Article 113, Section 1, paragraph (k), of the Regulations of Execution, and centralizing philatelic information about the countries of the Postal Union of the Americas and Spain.

q) Intervening as the compensating Administration in the liquidation of postal accounts, at the request of the Administrations concerned.

r) Preparing international insignia of the Postal Union of the Americas and Spain consisting of an emblem for the personal use of the functionaries of the Administrations belonging to the Union.

s) Printing and furnishing the reply coupons provided for by paragraph 7 of Article 7.

3. The International Office of the Postal Union of the Americas and Spain will also publish an official compilation of all the data relative to the execution of the Convention and its Regulations in each country which is of special interest to Americo-Spanish postal services, in accordance with the information submitted to it by the Administrations.

The same Office will also publish similar compilations concerning the execution of the Agreements relative to Parcel Post and Money Orders.

4. The special expenses arising from the preparation of the Annual Report and the Table or Information concerning 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 groups established in Article 110 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 Director General of Posts of the Oriental Republic of the Uruguay, by agreement with the International Office of Montevideo.

5. 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 the advances which it requires.

6. 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 Director General 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.

7. 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 22

Congresses

1. The Congresses will meet not later than two years after the holding of each Universal Postal Congress. Nevertheless if the interval between the latter should exceed five years, the Administrations of the Postal Union of the Americas and Spain may come to agreement, through the intermediary of the International Office of Montevideo and by unanimity of votes, on an eventual meeting.

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

ARTICLE 23

Resolutions of the Congress

The contracting powers will inform the International Office of Montevideo, three months in advance of the meeting of each Congress, of the measures it has taken to put into effect the resolutions and recommendations of each last Congress.

ARTICLE 24

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, 7, 8, 9, 10, 13, 16, 19, 20, 21, 22, 24, 25, 27, 28, 29 and 30; two-thirds of the votes for Articles 14 and 23; and a simple majority for the rest.

ARTICLE 25

Modifications and amendments

Modifications or resolutions adopted by the High Contracting Parties, even those of a domestic order, which affect the international service, will

become effective three months after the date of the relative notice of the International Office of the Postal Union of the Americas and Spain.

ARTICLE 26

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 and its Regulations. In turn, those which are 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 27

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 of 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 28⁴

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 these postulates, except only in cases where the propositions to be debated affect only the countries proposing them.

ARTICLE 29

Preliminary Conferences

1. In view of the preceding Article, 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 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.

⁴ For text of U.S. reservations at time of signing, see final protocol, *post*, p. 160.

2. At the proper time before the meeting of Universal Congresses, the International Office of Montevideo will invite the signatory Administrations 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 with the necessary personnel.

ARTICLE 30

New Adherences

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

ARTICLE 31

Effective date and duration of Convention and deposit of ratifications

1. The present Convention will become effective January 1, 1947, 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 Rio de Janeiro, Republic of the United States of Brazil, 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 Brazil, through diplomatic channels, to the Governments of the other signatory countries.

3. The stipulations of the Postal Convention of the Americas and Spain signed in Panama on December 22, 1936,⁵ 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.

⁵ *Ante*, vol. 3, p. 302.

In faith of which, the Plenipotentiaries of the Governments of the countries above named sign the present Convention in the city of Rio de Janeiro, Republic of the United States of Brazil, on the 25th day of the month of September, 1946.

For Argentina:

OSCAR L. M. NICOLINI
CARLOS M. LASCANO
MANUEL PRECEDO
DOMINGO B. CANALLE

For Bolivia:

JOSÉ LIÉVANA FORRASTAL
RAFAEL BARRIENTOS

For Brazil:

RAÚL DE ALBUQUERQUE
CARLOS LUIS TAVEIRA
JAIME SLOAN CHERMONT
AUREO MAIA
JAIME DÍAS FRANÇA
JOAQUIM VIANNA
JULIO SÁNCHEZ PÉREZ
CARLOS F. DE FIGUEIREDO

For Canada:

WALTER JAMES TURNBULL
C.NEL. EDWARD JAMES UNDERWOOD,
O.B.E.
FRANCIS EVERETT JOLLIFFE, M.B.E.

For Colombia:

LUIS GARCÍA CADENA
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ROBERTO TINOCO GUTIÉRREZ

For Cuba:

GABRIEL LANDA Y CHAO
JESÚS LAGO LUNAR

For Chile:

LUIS FELIPE LASO
MIGUEL A. PARRA
GUILLERMO JIMÉNEZ MORGAN

For Ecuador:

RAFAEL ALVARADO

For El Salvador:

CORONEL CARLOS MEJÍA OSORIO

For Spain:

LUIS RODRÍGUEZ DE MIGUEL
ELÍAS URDANGARAIN BERNACH

For the United States of America:

JOHN J. GILLEN
EDWARD J. MAHONEY

For the United States of Venezuela:

PABLO CASTRO BECERRA
FRANCISCO VELEZ SALAS
CARLOS HARTMANN

For Guatemala:

FLAVIO HERRERA

For Haiti:

LUIS MORAIS JUNIOR

For Honduras:

MARCO ANTONIO BATRES
MANUEL SOTO DE PONTES CAMARA

For Mexico:

ANTONIO VILLALOBOS
DIDIER DOMÍNGUEZ VALDÉS
LAURO F. RAMÍREZ UMAÑA

For Nicaragua:

JOSÉ MERCEDES PALMA

For Panama:

CATALINO ARROCHA GRAELL
JULIO TRELLES
ROQUE JAVIER LAURENZA

For Paraguay:

ANÍBAL IBARRA G.

For Peru:

GERMÁN LLOSA PARDO
ERNESTO CÁCERES BOLUARTE

For the Dominican Republic:

MIGUEL ANTONIO OLAVARRIETA PÉREZ

For Uruguay:

ENRIQUE E. BUERO
MIGUEL AGUERRE ARISTEGUI
CÉSAR I. ROSSI

FINAL PROTOCOL OF THE CONVENTION

At the moment of signing the Convention concluded by the Fifth American-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 28 of the Convention, Canada and the United States of America reserve complete liberty of action in Congresses of the Universal Postal Union.

III

Canada formulates a reservation in the sense that it cannot accept the provisions of clauses (d) and (e) of Section 1 of Article 13, and of Sections 3 and 4 of that Article.

IV

The Republic of Panama formulates a transitory reservation regarding Article 3 of the Convention which refers to ships that do not transport its own correspondence, until the adoption of legal provisions which will permit the application of that provision.

V

Canada formulates a reservation in the sense that the provisions of Article 8 are not applicable in Canada.

For Argentina:

OSCAR L. M. NICOLINI
CARLOS M. LASCANO
MANUEL PRECEDO
DOMINGO B. CANALLE

For Bolivia:

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PÉREZ

For Uruguay:
ENRIQUE E. BUERO
MIGUEL AGUERRE ARISTEGUI
CÉSAR I. ROSSI

[For text of regulations for execution of the convention, see 61 Stat. 3518 or
p. 47 of TIAS 1680.]

POSTAL UNION OF THE AMERICAS AND SPAIN: PARCEL POST

Agreement signed at Rio de Janeiro September 25, 1946, and final protocol

Ratified and approved by the Postmaster General of the United States February 20, 1947

Approved by the President of the United States February 27, 1947

Ratification of the United States deposited at Rio de Janeiro June 22, 1948

Entered into force January 1, 1947

*Terminated by agreement of November 9, 1950*¹

61 Stat. 3524; Treaties and Other
International Acts Series 1681

[TRANSLATION]

AGREEMENT RELATIVE TO PARCEL POST

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

The undersigned, Plenipotentiaries of the Governments of the countries mentioned, in the exercise of the option conferred by the Convention of the Universal Postal Union, agree, *ad referendum*, to execute 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*) the countries mentioned may exchange this class of mail matter.

¹ 2 UST 1391; TIAS 2287.

2. Parcels may be sent registered by paying the registration fee in effect in the country of origin, in addition to the postage.

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. 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 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 C. P. 12 or another similar bill, to each of the intermediary Administrations when the dispatches are sent in closed mail transit.

ARTICLE 3

Weight and dimensions

The maximum weight and dimensions will be those fixed by the Agreement of the Universal Postal Convention. However, the contracting Administrations may, after obtaining consent of the intermediary countries, accept parcels with other limits of dimensions.

ARTICLE 4²

Postage rates and payments

1. The postage on parcels exchanged under this Agreement is composed only of the sum of the territorial rates of origin, transit and destination. If necessary, the maritime rates provided for by the Parcel Post Agreement of the Universal Postal Union in force will be added.

2. The territorial charges 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.

² For an agreement permitting the United States to increase transit charges, see final protocol, p. 170.

3. The Administrations of origin and destination will have the option of increasing the rates applicable to parcels of 1, 3, 5 and 10 kilograms up to double their amount, as well as applying a surcharge of 25 centimes to each parcel of these weight limits.

The rates of departure and arrival applying to parcels of 15 and 20 kilograms will be fixed at the discretion of each Administration.

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. 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.

6. The International Office will publish and distribute the table of land transit rates and those of departure and arrival payable to each Administration, keeping it up to date by means of supplements.

ARTICLE 5

Cancelation of balances under 50 gold francs

When in the settlement of the parcel post service between two countries the annual balance does not exceed 50 gold francs, the debtor Administration will be exempt from any payment, provided that agreement to such effect has been reached with the creditor Administration.

ARTICLE 6

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 similar to that established for its domestic service up to a maximum of 40 centimes of a gold franc, or its equivalent, 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. The Administrations whose domestic regulations require it, will collect a special fee for the delivery of such notice, which may not exceed the postage for a single weight unit of an ordinary letter in the domestic service.

(c) A daily storage charge not exceeding that fixed by the domestic legislation of each country, 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 of a gold franc at most, provided for in the corresponding Agreement of the Universal Postal Convention. This fee will be collected from the addressee or from the sender, according to the circumstances.

2. Parcels addressed to members of the Diplomatic and Consular Corps mentioned in Article 13 of the Convention will be exempt from the payment of delivery fees, except those addressed to the latter when they contain articles liable to payment of customs duties.

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 charges relative to these classes of articles.

ARTICLE 8

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;
- 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.

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 was 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 order that responsibility of the Administrations may be properly determined, the exchange offices of destination, whenever they note irregularities calling for the preparation of a report, must describe the conditions under which the parcels were received, especially as regards the condition of the fastenings and containers, which shall be sent to the Administration of origin, accompanied by a copy of the report and the bulletin of verification issued in this connection, the covers and wrappers of the parcels in question and all other elements of proof.

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 thirty days.

This period, which is counted from the day following the mailing of the notice of arrival, may, at the request of the addressee, be increased to three months if, in addition, the sender has made a statement to such effect in accordance with paragraph (d) of Section 2, and when the Administration of destination does not object to it.

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, as well as on the cover of the parcel, what disposal is to be made of the same 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 it be considered as abandoned;
- (d) That it be held at the disposal of the addressee, up to three months, under the conditions of Section 1.

When no instructions have been given and the parcel remains undelivered, it will be returned immediately to the office of origin.

ARTICLE 10

Fraudulent declarations

1. In cases where it is proved that the senders of the parcels, by themselves or by agreement with the addressees, falsely declare the quality, weight, or measure of the contents, or in any other manner 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 manner as to show 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 6 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 cannot be delivered to the senders, will remain at the disposal of the Administration of destination or origin, as the case may be, to be treated in accordance with their domestic legislation.

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 to them as terminal charge;
- (b) The charges referred to in Section 1 of Article 4;
- (c) The charges due on parcels in the country of destination on account of forwarding;
- (d) The fee mentioned in Section 1 (a) of Article 6;
- (e) The storage charges indicated in Section 1 (c) of Article 6.
- (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, 6, 7, 8 and 9.
- (b) Two-thirds of the votes, in order to modify the other provisions.

ARTICLE 14

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 and its Regulations of Execution.
2. However, the contracting Administrations may fix other details for the execution 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 15

Effective date and duration of the Agreement

1. The present Agreement will become effective January 1, 1947, 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 Rio de Janeiro, Republic of the United States of Brazil, as soon as possible. The relative certificate will be prepared in regard to the ratifications by each country, and the Government of Brazil 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 Agreement signed in Panama on December 22, 1936,³ 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.

³ *Ante*, vol. 3, p. 319.

In faith of which, the Plenipotentiaries of the countries enumerated sign the present Agreement in the city of Rio de Janeiro, United States of Brazil, on the 25th day of September, 1946.

For Argentina:

OSCAR L. M. NICOLINI
CARLOS M. LASCANO
MANUEL PRECEDO
DOMINGO B. CANALLE

For Bolivia:

JOSÉ LIÉVANA FORRALTA
RAFAEL BARRIENTOS

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LUIS MORAIS JUNIOR

For Honduras:

MARCO ANTONIO BATRES
MANUEL SOTO DE PONTES CAMARA

For Mexico:

ANTONIO VILLALOBOS
DIDIER DOMÍNGUEZ VALDÉS
LAURO F. RAMÍREZ UMAÑA

For Nicaragua:

JOSÉ MERCEDES PALMA

For Panama:

CATALINO ARROCHA GRAELL
JULIO TRELLES
ROQUE JAVIER LAURENZA

For Paraguay:

ANÍBAL IBARRA G.

For Peru:

GERMÁN LLOSA PARDO
ERNESTO CÁCERES BOLUARTE

For the Dominican Republic:

MIGUEL ANTONIO OLAVARRIETA
PÉREZ

For Uruguay:

ENRIQUE E. BUERO
MIGUEL AGUERRE ARISTEGUI
CÉSAR I. ROSSI

FINAL PROTOCOL TO THE PARCEL POST AGREEMENT

At the time of signing the Parcel Post Agreement concluded by the Fifth Americo-Spanish Postal Congress, the Plenipotentiaries signing agreed upon the following:

The United States of America is permitted to increase up to double their amount the territorial transit charges fixed by Article 4 of the Agreement, and to supply also a surcharge of 25 centimes per parcel.

RIO DE JANEIRO, *September 25, 1946.*⁴

⁴ Approved by acclamation in Plenary Session of the Fifth Congress of the Postal Union of the Americas and Spain, September 21, 1946. [Footnote in certified copy.]

POSTAL UNION OF THE AMERICAS AND SPAIN: MONEY ORDERS

*Agreement and final protocol signed at Rio de Janeiro September 25, 1946*¹

Ratified and approved by the Postmaster General of the United States February 20, 1947

Approved by the President of the United States February 27, 1947

Ratification of the United States deposited at Rio de Janeiro June 22, 1948

Entered into force January 1, 1947

*Terminated by agreement of November 9, 1950*²

61 Stat. 3540; Treaties and Other
International Acts Series 1682

[TRANSLATION]

AGREEMENT RELATIVE TO MONEY ORDERS

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

The undersigned, Plenipotentiaries of the Governments of the countries mentioned, in exercise of the authority conferred by the Convention of the Universal Postal Union, agree *ad referendum* to execute the money order service, in accordance with the following clauses:

ARTICLE 1

Object of the agreement

The exchange of money orders among the contracting countries whose Administrations agree to perform this service will be governed by the provisions of the present Agreement.

¹ For forms attached to agreement, see 61 Stat. 3553 or p. 15 of TIAS 1682.

² 2 UST 1435; TIAS 2288.

ARTICLE 2

Currency

The amount of the money orders will be expressed in the currency of the country of destination. Nevertheless the Administrations are authorized to adopt another currency by common consent if they deem it convenient.

ARTICLE 3

Conditions for the exchange of money orders

1. The exchange of money orders between the contracting nations will be effected by means of lists conforming to model A attached,³ which shall be forwarded to their destination by ordinary or air mail as the interested Administrations may agree.

2. Furthermore, upon previous agreement, an addition may be made to the aforementioned forms "A" at the request of the remitter of the money order, or a private message addressed to the beneficiary, relative to the respective remittance may be attached to the list.

3. Each Administration will designate the Offices of its country which will be responsible for issuing the lists and for forwarding them to the other Offices which will be designated by the other Administrations for the same purpose.

4. In case of *force majeure* which renders impossible the direct exchange of money orders, the issuing country, even without a request of the remitter or of the payee may redirect them, upon previous agreement among the Administrations involved and subject to the aforementioned rules, to a different country that the latter, in its turn, may reforward them to their destination by the route which seems most practical for their delivery.

ARTICLE 4

Telegraphic money orders

The provisions of this Agreement will be extended to telegraphic money order service between the countries which agree to provide it. To this end they will adopt, by agreement among themselves, regulations to govern the service.

ARTICLE 5

Maximum amount of money orders

The Administrations of the countries which agree to provide this service will come to an agreement to fix the maximum amount of the money orders exchanged among them, but this amount may not be less than 300 gold francs or its equivalent in the respective currencies.

³ See footnote 1, p. 171.

Nevertheless, money orders relating to the postal services and which are issued free of charge as provided in Article 9, may exceed the limits fixed by any Administration.

ARTICLE 6

Rates and commission fees

1. The remitter of every money order issued in accordance with the provisions of the present Agreement must pay the fee fixed by the Administration of origin, in accordance with its regulations and the scales adopted and promulgated for its domestic service.

2. When money orders are sent by air mail or special delivery, the Administrations may collect the special rates and the established air mail surtaxes, which must not exceed those in effect for letters.

ARTICLE 7

Endorsements

The contracting powers are authorized to permit, in their territories and in accordance with their domestic legislation, the endorsement of money orders originating in any country.

ARTICLE 8

Responsibility

The Administrations will be responsible to the remitters for the amounts which these deposit for conversion into money orders, until they have been paid to the payees or endorsees.

ARTICLE 9⁴

Exemption from charges

Orders relating to the service exchanged between Administrations or between the post offices of any Administration, as well as those sent to the International Office of Montevideo, and vice-versa, will be exempt from all charges.

ARTICLE 10

Period of validity of orders

1. 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 after issue.

2. The amount of the money orders which have not been paid within the period stipulated above will be credited to the Administration of origin, to

⁴ For text of a U.S. reservation made at time of signing, see final protocol, p. 179.

which country there shall be sent for the purpose a form D with the detailed listing of such orders so that it can proceed in accordance with its regulations.

ARTICLE 11

Change of address and repayment of order

1. When the remitter desires to correct an error in the address of the beneficiary or seeks repayment of a money order, he must make his request to the Administration of the country which issued the money order.

2. In general, no money order will be repaid without authorization of the Central Administration of the paying country. This authorization will be granted in a separate communication addressed to the Administration of origin and the total amount of the money orders whose reimbursement is allowed will be added to the next account to be made up.

ARTICLE 12⁴

Advice of payment

1. The remitter of a money order may obtain a notice of payment for a fee equal to that collected by the Administration of origin for a return receipt for a registered letter. The fee will be retained by the Administration of origin.

2. The Administration of destination will issue the receipt on a printed form like model F and will send it directly to the interested party or to the Administration of origin for delivery to him.

ARTICLE 13

Reissuance

1. At the request of the remitter or payee of an order, it may be reforwarded to another country, whenever an exchange of money orders exists with the new country of destination.

2. The reissuing Administration will have the right to deduct from the amount of the order the fees due for the issuance of a new money order in accordance with Article 6.

3. In case of reissuance, the order will be considered as having been paid by the reissuing Administration, which will include it in the account for that purpose, adding the word "Reissued".

ARTICLE 14

Domestic legislation

Money orders exchanged between two countries will be governed by the provisions of the domestic legislation of the countries of origin and destination, applicable to domestic money orders, according to the case, in all matters relative to issuance and payment.

ARTICLE 15

Preparation of lists

1. Each Exchange Office will communicate to the corresponding Exchange Office, daily, or at times mutually agreed on, the amounts received in its country to be paid in the other, making use of model A, attached.

2. Each money order noted in the lists will bear a consecutive number to be known as the "international number" which numbering will begin on January 1 or July 1 of each year as may be agreed upon, with the number 1. The lists will also have a serial number beginning with number 1 on the first of January or first of July, of each year. When a change in numbering occurs, the first list of the new series will bear also the last number of the preceding series.

3. The Exchange Offices will acknowledge the receipt of each list on the first subsequent list sent in the opposite direction.

4. When a list is not received, the Exchange Office which notices the fact will claim it immediately. In such a case the sending Office will send to the claiming Office a duly authenticated duplicate of the missing list at the earliest possible moment.

5. With respect to money orders sent by air the same procedure will be followed as that established in the above Sections, except that the lists of form A will be used, marked by a heading or label of blue color, and will carry a separate numbering.

ARTICLE 16

Verification and correction of the lists

1. The lists will be carefully examined by the receiving Exchange Office and corrected when they contain simple errors. The dispatching Exchange Office will be informed of such corrections when the receipt of the list is acknowledged.

2. When the lists are found to contain other irregularities the Exchange Office of destination will request explanations from the dispatching office, which must forward them at the earliest possible time. In the meantime the issuance of domestic money orders corresponding to the mentioned irregular notations will be suspended.

ARTICLE 17

Payment of orders

1. When the Exchange Office receives a list as provided in Article 15 it will proceed to effect or order the payment to the payees, in the currency of the country of destination, of the amounts which appear in the list in that currency or any other agreed upon according to the regulations in effect in each country for the payment of international money orders.

2. The Administration of destination will endeavor to effect payment in all cases to payees without delay. If, one month after the mailing of the notice

to the payee, the payment has not been effected, the fact will be communicated to the Administration of origin in order that the remitter may be notified.

3. Duplicates of money orders will be issued only by the Administration of the reissuing country in accordance with its domestic legislation and upon the previous proof that the money order has not been paid to the payee or repaid to the remitter.

ARTICLE 18

Rendering and settlement of accounts

1. In the absence of agreement to the contrary, the creditor Administration at the end of every quarter will prepare the relative account for the corresponding Administration which will contain in detail the following:

(a) The totals of the lists which give in detail the money orders issued in both countries during the quarter.

(b) The totals of the money orders which have been repaid to the remitters.

(c) The totals of the money orders which have become invalid during the quarter.

2. The credit balance of each Administration will be expressed in its own currency.

The smaller amount will be converted into the currency of the creditor country on the basis of the average rate of exchange which has prevailed during the quarter covered by the account.

3. This account will be sent by the Administration which has made it up, in duplicate to the corresponding Administration.

If the balance is in favor of the latter Administration, it will be paid by transmitting with the account of a sight draft on the creditor country.

If the balance is in favor of the country which has rendered the account, the payment will be made by the debtor Administration in the manner indicated in the preceding paragraph when the account is returned accepted.

These quarterly accounts will be prepared in accordance with Forms B, C, D and E, attached to the present Agreement.

4. Administrations may also agree not to make conversions, but to make unilateral settlements; that is for each Administration to credit the other with the total money orders it has paid on its account. In this case each Administration will render a quarterly account.

ARTICLE 19

Discontinuance of money orders accounts

By mutual agreement the Administrations may discontinue the accounting referred to in the preceding Article. In this event they undertake to attach a check for the total amount of the money orders when they forward

Form A and adopt the same process when the use of Forms C and D are required.

In the absence of agreement to the contrary, the checks will be drawn in currency of the creditor country and the conversion will be made on the basis of the open exchange.

ARTICLE 20

Advance payments on account

When an Administration owes another, on account of the money orders, a balance which is over 25,000 gold francs, or its approximate equivalent in its own money, the debtor Administration will send to the creditor Administration, as soon as possible, as an advance payment, a sum approximating its balance in the quarterly settlement referred to in Article 18.

ARTICLE 21

Suspension of service

1. The contracting Administrations under extraordinary circumstances may suspend the issuance of money orders temporarily and adopt such provisions as they deem necessary to safeguard their interests and to avoid any speculation through the money order service.

2. The Administration which adopts any of the measures referred to in the preceding paragraph should immediately notify all Administrations with which it exchanges money orders of the fact.

ARTICLE 22

Propositions during the interval between meetings

The present Agreement may be modified in the interval between the Congresses in accordance with the procedure established by the Convention of the Universal Postal Union. In order to become effective, the modifications must obtain:

- a) a unanimity of votes for the modifications of Articles 1, 2, 5, 8, 9, 14, 18, 19, 20, 21, 22, and 23;
- b) two thirds of the votes to modify the other Articles.

ARTICLE 23

Effective date and duration of this Agreement

1. The present Agreement will become effective on January 1, 1947, and will remain in effect without any time limit; each of the contracting powers reserving the right to denounce it by means of a notification from its Government to the Government of the Oriental Republic of Uruguay, sent one year in advance.

2. The deposit of ratification will be made in Rio de Janeiro, Brazil, at the earliest possible date. A certificate of the deposit of the ratification of each country will be issued and the Brazilian Government will send via diplo-

matic channels, a copy of the same to the Governments of all the signatory powers.

3. The stipulations of the Money Order Agreement signed at Panama, December 22, 1936,⁵ are abrogated on the date when the present Agreement becomes effective.

4. In the event that this Agreement is not ratified by one or more countries it will still be valid for others who have ratified it.

5. The contracting powers may make provisional ratification of this Agreement by correspondence, advising the respective Administrations through the intermediary of the International Office without prejudicing the subsequent approval of the same by the National Congresses according to domestic legislation and the confirmation thereof by diplomatic channels.

In faith of which the Plenipotentiaries of the above countries sign the present Agreement in Rio de Janeiro on September 25, 1946.

For Argentina:

OSCAR L. M. NICOLINI
CARLOS M. LASCANO
MANUEL PRECEDO
DOMINGO B. CANALLE

For Bolivia:

JOSÉ LIÉVANA FORRALTA
RAFAEL BARRIENTOS

For Brazil:

RAÚL DE ALBUQUERQUE
CARLOS LUIS TAVEIRA
JAIME SLOAN CHERMONT
AUREO MAIA
JAIME DÍAS FRANÇA
JOAQUIM VIANNA
JULIO SÁNCHEZ PÉREZ
CARLOS F. DE FIGUEIREDO

For Colombia:

LUIS GARCÍA CADENA
LUIS JORGE GARZÓN

For Costa Rica:

ROBERTO TINOCO GUTIÉRREZ

For Cuba:

GABRIEL LANDA Y CHAO
JESÚS LAGO LUNAR

For Chile:

LUIS FELIPE LASO
MIGUEL A. PARRA
GUILLERMO JIMÉNEZ MORGAN

For Ecuador:

RAFAEL ALVARADO

For El Salvador:

CORONEL CARLOS MEJÍA OSORIO

For Spain:

LUIS RODRÍGUEZ DE MIGUEL
ELÍAS URDANGARAIN BERNACH

For the United States of America:

JOHN J. GILLEN
EDWARD J. MAHONEY

For the United States of Venezuela:

PABLO CASTRO BECERRA
FRANCISCO VELEZ SALAS
CARLOS HARTMANN

For Guatemala:

FLAVIO HERRERA

For Haiti:

LUIS MORAIS JUNIOR

For Honduras:

MARCO ANTONIO BATRES
MANUEL SOTO DE PONTES CAMARA

For Mexico:

ANTONIO VILLALOBOS
DIDIER DOMÍNGUEZ VALDÉS
LAURO F. RAMÍREZ UMAÑA

For Nicaragua:

JOSÉ MERCEDES PALMA

For Panama:

CATALINO ARROCHA GRAELL
JULIO TRELLES
ROQUE JAVIER LAURENZA

For Paraguay:

ANÍBAL IBARRA G.

For Peru:

GERMÁN LLOSA PARDO
ERNESTO CÁCERES BOLUARTE

For the Dominican Republic:

MIGUEL ANTONIO OLAVARRIETA PÉREZ

For Uruguay:

ENRIQUE E. BUERO
MIGUEL AGUERRE ARISTEGUI
CÉSAR I. ROSSI

⁵ *Ante*, vol. 3, p. 329.

FINAL PROTOCOL OF THE MONEY ORDER AGREEMENT

At the time of signing the Money Order Agreement concluded by the Fifth Americo-Spanish Postal Congress, the signing Plenipotentiaries have agreed upon the following:

I

The United States of America advises that it cannot accept the provisions of Articles 9 and 12.

RIO DE JANEIRO, *September 25, 1946*

For Argentina:

OSCAR L. M. NICOLINI
CARLOS M. LASCANO
MANUEL PRECEDO
DOMINGO B. CANALLE

For Bolivia:

JOSÉ LIÉVANA FORRALTA
RAFAEL BARRIENTOS

For Brazil:

RAÚL DE ALBUQUERQUE
CARLOS LUIS TAVEIRA
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JOAQUIM VIANNA
JULIO SÁNCHEZ PÉREZ
CARLOS F. DE FIGUEIREDO

For Colombia:

LUIS GARCÍA CADENA
LUIS GARZÓN

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For Cuba:

GABRIEL LANDA Y CHAO
JESÚS LAGO LUNAR

For Chile:

LUIS FELIPE LASO
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GUILLERMO JIMÉNEZ MORGAN

For Ecuador:

RAFAEL ALVARADO

For El Salvador:

CORONEL CARLOS MEJÍA OSORIO

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LUIS RODRÍGUEZ DE MIGUEL
ELÍAS URDANGARAIN BERNACH

For the United States of America:

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EDWARD J. MAHONEY

For the United States of Venezuela:

PABLO CASTRO BECERRA
FRANCISCO VELEZ SALAS
CARLOS HARTMANN

For Guatemala:

FLAVIO HERRERA

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For Uruguay:

ENRIQUE E. BUERO
MIGUEL AGUERRE ARISTEGUI
CÉSAR I. ROSSI

[For forms attached to agreement, see 61 Stat. 3553 or p. 15 of TIAS 1682.]

COFFEE (INTER-AMERICAN)

*Protocol signed at Washington October 1, 1946, modifying and extending agreement of November 28, 1940*¹

Senate advice and consent to ratification February 21, 1947

Ratified by the President of the United States March 7, 1947

Ratification of the United States deposited with the Pan American Union March 19, 1947

Entered into force October 1, 1946; for the United States March 19, 1947, operative from October 1, 1946

Proclaimed by the President of the United States April 1, 1947

61 Stat. 1222; Treaties and Other
International Acts Series 1605

PROTOCOL FOR THE EXTENSION OF THE INTER-AMERICAN COFFEE AGREEMENT FOR ONE YEAR FROM OCTOBER 1, 1946

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 April 15, 1941,³ the Agreement was brought into force on April 16, 1941, in respect of the Governments on behalf of which the Protocol was signed on April 15, 1941:

AND WHEREAS Article XXIV of the said Agreement provides that it should continue in force until October 1, 1943:

AND WHEREAS by unanimous consent the Governments signatory to the Agreement 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 provisions of Article XXIV of the Agreement:

¹ The coffee agreement was further extended by a protocol of Oct. 1, 1947 (TIAS 1768, *post*, p. 567.)

² TS 970, *ante*, vol. 3, p. 671.

³ TS 970, *ante*, vol. 3, p. 680.

AND WHEREAS by a Protocol signed and deposited with the Pan American Union under date of October 1, 1945,⁴ the said Agreement was extended for one year from October 1, 1945, with certain changes recommended by the Inter-American Coffee Board.

NOW, THEREFORE, in support of a recommendation made by the Inter-American Coffee Board on August 16, 1946, 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, 1946.

Article 2

During the period specified in Article 1 above, the Governments signatory to the present Protocol agree that the provisions of Article 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 95% of the total vote of the Inter-American Coffee Board.

Article 3

a. During the period specified in Article 1 above, the Inter-American Coffee Board shall undertake to complete by March 31, 1947, 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 3, 1946, until November 1, 1946, provided, however, that all signatures shall be deemed to have been affixed under date of October 1, 1946, and the Protocol shall be considered as having entered into force on that date with respect to the governments on behalf of which it is signed.

⁴ TIAS 1513, *ante*, vol. 3, p. 1283.

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 the English, Spanish, Portuguese, and French languages. The original instrument in each language shall be deposited in the Pan American Union which shall furnish certified copies to the Governments signatory to this Protocol.

OCTAVIO DO NASCIMENTO BRITO
Brazil

EMILIO TORO
Colombia

RAFAEL OREAMUNO
Costa Rica

GMO. BELT
Cuba
Subject to approval by the Senate of
the Republic of Cuba [translation].

EMILIO G. GODOY
Dominican Republic

O. GARCÍA
Ecuador

FELIPE VEGA-GÓMEZ
El Salvador

ENRIQUE LOPEZ HERRARTE
Guatemala
Ad referendum

JH. D. CHARLES
Haiti

JULIÁN R. CÁCERES
Honduras

A. E. DE LOS MONTEROS
Mexico

GUILLERMO SEVILLA SACASA
Nicaragua

JORGE PRADO
Peru

SPRUILLE BRADEN
United States of America
Subject to ratification.

M. A. FALCÓN BRICEÑO
Venezuela

PARTIAL REVISION OF ILO CONVENTIONS (ILO CONVENTION NO. 80)

*Convention adopted by the General Conference of the International Labor Organization at Montreal October 9, 1946*¹

Senate advice and consent to ratification April 14, 1948

Ratified by the President of the United States May 21, 1948

Ratification of the United States registered with the International Labor Office June 24, 1948

*Entered into force May 28, 1947;*² *for the United States June 24, 1948*

Proclaimed by the President of the United States August 30, 1948

62 Stat. 1672; Treaties and Other
International Acts Series 1810

CONVENTION (No. 80) FOR THE PARTIAL REVISION OF THE CONVENTIONS ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FIRST TWENTY-EIGHT SESSIONS FOR THE PURPOSE OF MAKING PROVISION FOR THE FUTURE DISCHARGE OF CERTAIN CHANCERY FUNCTIONS ENTRUSTED BY THE SAID CONVENTIONS TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS AND INTRODUCING THEREIN CERTAIN FURTHER AMENDMENTS CONSEQUENTIAL UPON THE DISSOLUTION OF THE LEAGUE OF NATIONS AND THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation, Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the Conference at its first twenty-eight sessions for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League

¹ Cited as "Final Articles Revision Convention, 1946."

² Date of receipt by ILO Director-General of second instrument of ratification.

of Nations and the amendment of the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Final Articles Revision Convention, 1946:

ARTICLE 1

1. In the texts of the Conventions adopted by the International Labour Conference in the course of its first twenty-five sessions the words "the Director-General of the International Labour Office" shall be substituted for the words "the Secretary-General of the League of Nations", the words "the Director-General" shall be substituted for the words "the Secretary-General", and the words "the International Labour Office" shall be substituted for the words "the Secretariat" in all passages where these various expressions respectively occur.

2. The registration by the Director-General of the International Labour Office of the ratifications of Conventions and amendments, acts of denunciation, and declarations provided for in the Conventions adopted by the Conference in the course of its first twenty-five sessions shall have the same force and effect for all purposes as the registration of such ratifications, acts of denunciation and declarations by the Secretary-General of the League of Nations in accordance with the terms of the original texts of the said Conventions.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations³ full particulars of all ratifications, acts of denunciation and declarations registered by him in accordance with the provisions of the Conventions adopted by the Conference at its first twenty-five sessions as amended by the foregoing provisions of this Article.

ARTICLE 2

1. The words "of the League of Nations" shall be deleted from the first paragraph of the Preamble of each of the Conventions adopted by the Conference in the course of its first eighteen sessions.

2. The words "in accordance with the provisions of the Constitution of the International Labour Organisation" shall be substituted for the words "in accordance with the provisions of Part XIII of the Treaty of Versailles"⁴

³ TS 993, *ante*, vol. 3, p. 1176.

⁴ TS 874, *ante*, vol. 2, p. 241.

and of the corresponding Parts of the other Treaties of Peace” and the variants thereof contained in the Preambles of the Conventions adopted by the Conference in the course of its first seventeen sessions.

3. The words “under the conditions set forth in the Constitution of the International Labour Organisation” shall be substituted for the words “under the conditions set forth in Part XIII of the Treaty of Versailles and the corresponding Parts of the other Treaties of Peace” or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

4. The words “Article 22 of the Constitution of the International Labour Organisation” shall be substituted for the words “Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace” or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

5. The words “Article 35 of the Constitution of the International Labour Organisation” shall be substituted for the words “Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace” in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

6. The word “Draft” shall be omitted from the expression “Draft Convention” in the Preambles of the Conventions adopted by the Conference in the course of its first twenty-five sessions and in all articles of the said Conventions in which the said expression occurs.

7. The title “Director-General” shall be substituted for the title “Director” in all articles of the Conventions adopted by the Conference in the course of its twenty-eighth session which refer to the Director of the International Labour Office.

8. In each of the Conventions adopted by the Conference in the course of its first seventeen sessions there shall be included in the Preamble the words “which may be cited as” together with the short title currently used by the International Labour Office for the Convention in question.

9. In each of the Conventions adopted by the Conference in the course of its first fourteen sessions all unnumbered paragraphs of articles containing more than one paragraph shall be consecutively numbered.

ARTICLE 3

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first twenty-eight sessions shall be deemed to have ratified that Convention as modified by this Convention.

ARTICLE 4

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organisation.

ARTICLE 5

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office.

2. The Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.

3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

4. Each Member of the Organisation which ratifies this Convention thereby recognises the validity of any action taken thereunder during the interval between the first coming into force of the Convention and the date of its own ratification.

ARTICLE 6

On the first coming into force of this Convention the Director-General of the International Labour Office shall cause official texts of the Conventions adopted by the Conference in the course of its first twenty-eight sessions as modified by the provisions of this Convention to be prepared in two original copies, duly authenticated by his signature, one of which shall be deposited in the archives of the International Labour Office and one of which shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations; the Director-General shall communicate certified copies of these texts to each of the Members of the Organisation.

ARTICLE 7

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first twenty-eight sessions, the ratification of this Convention by a Member shall not, *ipso jure*, involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

ARTICLE 8

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 denunciation of this Convention 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 present form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 9

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Twenty-ninth Session which was held at Montreal and declared closed the ninth day of October 1946.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

The President of the Conference,
HUMPHREY MITCHELL

The Director-General of the International Labour Office,
EDWARD PHELAN

INTERNATIONAL LABOR ORGANIZATION

*Instrument adopted by the General Conference of the International Labor Organization at Montreal October 9, 1946, for the amendment of the ILO constitution*¹

Entered into force April 20, 1948

Acceptance by the United States deposited with the International Labor Office August 2, 1948

Amendments adopted by the ILO General Conference on June 25, 1953,² and June 22, 1962³

62 Stat. 3485; Treaties and Other
International Acts Series 1868

INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation,
Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946; and

Having decided upon the adoption of certain amendments to the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session,

adopts this ninth day of October of the year one thousand nine hundred and forty-six, the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1946:

Article 1

As from the date of the coming into force of this Instrument of Amendment, the Constitution of the International Labour Organisation, of which

¹ For text of the ILO constitution signed at Versailles June 28, 1919 (TS 874), see *ante*, vol. 2, p. 241.

² 7 UST 245; TIAS 3500.

³ 14 UST 1039; TIAS 5401.

the text at present in force is set forth in the first column of the Annex to this Instrument, shall have effect as amended in the second column of the said Annex.

Article 2

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.⁴ The Director-General will communicate a certified copy of the Instrument to all the Members of the International Labour Organisation.

Article 3

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of Article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation, the Secretary-General of the United Nations, and all the States having signed the Charter of the United Nations.

ANNEX

THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Text in force on 9 October 1946

Amended Text

SECTION I

PREAMBLE

ORGANISATION OF LABOUR

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great

⁴ TS 993, *ante*, vol. 3, p. 1176.

great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following Constitution of the International Labour Organisation:

CHAPTER I—ORGANISATION

Article 1

1. A permanent organisation is hereby established for the pro-

that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, *recognition of the principle of equal remuneration for work of equal value*, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, *and with a view to attaining the objectives set forth in this Preamble*, agree to the following Constitution of the International Labour Organisation:

CHAPTER I—ORGANISATION

Article 1

1. A permanent organisation is hereby established for the promotion

motion of the objects set forth in the Preamble.

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the Session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may

of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organisation adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the *Director-General* of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the *Director-General* of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may

withdraw from the Organisation without giving notice of its intention so to do to the Director of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Article 2

The permanent organisation shall consist of:

1. A General Conference of Representatives of the Members and
2. An International Labour Office controlled by the Governing Body described in Article 7.

Article 3

1. The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and

withdraw from the Organisation without giving notice of its intention so to do to the *Director-General* of the International Labour Office. Such notice shall take effect two years after the date of its reception by the *Director-General*, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Article 2

The permanent organisation shall consist of:

- (a) a General Conference of representatives of the Members;
- (b) a *Governing Body* composed as described in Article 7; and
- (c) an International Labour Office controlled by the Governing Body.

Article 3

1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and

the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

2. Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

4. Advisers shall not speak except on a request made by the Delegate whom they accompany and by

the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. *Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:*

- (a) *persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and*
- (b) *persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.*

4. *In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.*

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the

the special authorisation of the President of the Conference, and may not vote.

5. A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

6. The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

7. The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Article 4

1. Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

special authorisation of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Article 4

1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present Article shall apply as if that delegate had not been nominated.

Article 5

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two thirds of the votes cast by the Delegates present.

Article 6

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

Article 7

1. The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons:

Sixteen representing Governments,
Eight representing the Employers,
and
Eight representing the Workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above. Of the sixteen Members represented six shall be non-European States.

3. Any question as to which are the Members of chief industrial importance shall be decided by the Council of the League of Nations.

Article 5

The meetings of the Conference shall, *subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.*

Article 6

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.

Article 7

1. *The Governing Body shall consist of thirty-two persons:*

Sixteen representing Governments,
Eight representing the employers,
and
Eight representing the workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the eight Members mentioned above. Of the sixteen Members represented, six shall be non-European States.

3. *The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance*

are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

4. The persons representing the Employers and the persons representing the Workers shall be elected respectively by the Employers' Delegates and the Workers' Delegates to the Conference. Two Employers' representatives and two Workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, elect one of its number to act as its Chairman, shall regulate its own procedure, and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the employers' delegates and the workers' delegates to the Conference. Two employers' representatives and two workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years. *If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.*

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, *elect from its number a Chairman and two Vice-Chairmen, of whom one shall be a person representing a Government, one a person representing the employers, and one a person representing the workers.*

8. The Governing Body shall regulate its own procedure and shall fix its

own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

Article 8

1. There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The Director or his deputy shall attend all meetings of the Governing Body.

Article 9

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

Article 8

1. There shall be a *Director-General* of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The *Director-General* or his deputy shall attend all meetings of the Governing Body.

Article 9

1. The staff of the International Labour Office shall be appointed by the *Director-General under regulations approved by the Governing Body*.

2. So far as is possible with due regard to the efficiency of the work of the Office, the *Director-General* shall select persons of different nationalities.

3. A certain number of these persons shall be women.

4. *The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on*

their position as international officials responsible only to the Organisation.

5. Each Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 10

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

2. It will prepare the agenda for the meetings of the Conference.

3. It will carry out the duties required of it by the provisions of this

Article 10

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. *Subject to such directions as the Governing Body may give, the Office will—*

(a) *prepare the documents on the various items of the agenda for the meetings of the Conference;*

(b) *accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;*

(c) carry out the duties required of it by the provisions of this Con-

Part of the present Treaty in connection with international disputes.

4. It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

5. Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

Article 11

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

Article 12

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

stitution in connection with *the effective observance of Conventions*;

(d) edit and *issue, in such languages as the Governing Body may think desirable, publications* dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference *or by the Governing Body*.

Article 11

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the *Director-General* through the representative of their Government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

Article 12

1. *The International Labour Organisation shall co-operate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.*

2. *The International Labour Organisation may make appropriate arrangements for the representatives*

of public international organisations to participate without vote in its deliberations.

3. The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organisations, including international organisations of employers, workers, agriculturists and co-operators.

Article 13

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by

Article 13

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the *Director-General* of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority

the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference 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.

5. The Director of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II—PROCEDURE

Article 14

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider

of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: *Provided that* the Conference may by a two-thirds majority of the votes cast by the delegates present 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.

5. The *Director-General* of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II—PROCEDURE

Article 14

1. The agenda for all meetings of the Conference will be settled by the Governing Body, *which* shall con-

any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3.

sider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3, *or by any public international organisation.*

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory Conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Article 15

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

Article 15

1. The *Director-General* shall act as the *Secretary-General* of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Article 16

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

2. Items to which such objection has been made shall not, however,

Article 16

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the *Director-General* who shall circulate it to all the Members of the Organisation.

2. Items to which such objection has been made shall not, however, be

be excluded from the agenda, if at the Conference a majority of two thirds of the votes cast by the Delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 17

1. The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

Article 18

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

excluded from the agenda, if at the Conference a majority of two thirds of the votes cast by the delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 17

1. *The Conference shall elect a President and three Vice-Presidents. One of the Vice-Presidents shall be a Government delegate, one an employers' delegate and one a workers' delegate.* The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this *Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of Article 13*, all matters shall be decided by a simple majority of the votes cast by the delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

Article 18

The Conference may add to any committees which it appoints technical experts without power to vote.

Article 19

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

2. In either case a majority of two thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

3. In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Article 19

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an *international Convention*, or (b) of a *Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention*.

2. In either case a majority of two thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the *Convention or Recommendation*, as the case may be, by the Conference.

3. In framing any *Convention or Recommendation* of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. *Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or*

Recommendation to each of the Members.

5. Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

6. In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

7. In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

8. If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

5. In the case of a Convention—

- (a) *the Convention will be communicated to all Members for ratification;*
- (b) *each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;*
- (c) *Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;*
- (d) *if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;*

- (e) *if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.*

6. *In the case of a Recommendation—*

- (a) *the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;*
- (b) *each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter*

lies for the enactment of legislation or other action;

- (c) *the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;*
- (d) *apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.*

9. In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

7. In the case of a federal State, the following provisions shall apply:

- (a) *in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;*

- (b) *in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—*
 - (i) *make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action;*
 - (ii) *arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;*
 - (iii) *inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, State, provincial or can-*

tonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;

(iv) *in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;*

(v) *in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.*

10. The above Article shall be interpreted in accordance with the following principle:

11. In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference,

8. *In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the*

to lessen the protection afforded by its existing legislation to the workers concerned.

Article 20

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

Article 21

1. If any convention coming before the Conference for final consideration fails to secure the support of two thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

2. Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

Article 22

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall con-

workers concerned than those provided for in the Convention or Recommendation.

Article 20

Any Convention so ratified shall be *communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations* but shall only be binding upon the Members which ratify it.

Article 21

1. If any Convention coming before the Conference for final consideration fails to secure the support of two thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the Governments concerned to the *Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.*

Article 22

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form

tain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

and shall contain such particulars as the Governing Body may request.

Article 23

1. *The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Articles 19 and 22.*

2. *Each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.*

Article 23

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Article 24

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body,

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Article 25

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body,

the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 25

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 23.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

5. When any matter arising out of Articles 24 or 25 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing

the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may *appoint* a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of Articles 25 or 26 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing

Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 26

1. The Commission of Enquiry shall be constituted in accordance with the following provisions:

2. Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

3. The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

4. Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 25, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Article 28

1. When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

2. It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

Article 29

1. The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Article 28

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Article 29

1. *The Director-General of the International Labour Office* shall communicate the report of the Commission of Enquiry to the *Governing Body* and to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within *three months* inform the *Director-General of the International Labour Office* whether or not it ac-

the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

Article 30

In the event of any Member failing to take the action required by Article 19, with regard to a recommendation or draft convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

Article 31

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 or Article 30 shall be final.

Article 32

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decisions indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any, con-

cepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the *International Court of Justice*.

Article 30

In the event of any Member failing to take the action required by *paragraphs 5 (b), 6 (b) or 7 (b) (i) of Article 19 with regard to a Convention or Recommendation*, any other Member shall be entitled to refer the matter to the *Governing Body*. *In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.*

Article 31

The decision of the *International Court of Justice* in regard to a complaint or matter which has been referred to it in pursuance of Article 29 shall be final.

Article 32

The *International Court of Justice* may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any,

tained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

Article 34

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31 and 32 shall apply and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

CHAPTER III—GENERAL

Article 35

1. The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and posses-

contained in the report of the Commission of Enquiry, or in the decision of the *International Court of Justice*, as the case may be, the *Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.*

Article 34

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the *International Court of Justice*, as the case may be, and may request it to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or the decision of the *International Court of Justice* is in favour of the defaulting Government, the *Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33.*

CHAPTER III—GENERAL

Article 35

1. The Members *undertake that* Conventions which they have ratified in accordance with the provisions of this *Constitution shall be applied to the non-metropolitan territories for*

sions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

2. And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the ter-

ritory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modifications of the provisions of the Convention as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the accep-

tance of the obligations of the Convention on behalf of the territory concerned.

8. *If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.*

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Article 37

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Article 37

1. Any question or dispute relating to the interpretation of *this Constitution* or of any subsequent Convention concluded by the Members in pursuance of the provisions of *this Con-*

of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

stitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this Article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organisation and any observations which they may make thereon shall be brought before the Conference.

Article 38

1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV—MISCELLANEOUS PROVISIONS

Article 39

The International Labour Organisation shall possess full juridical per-

sonality and in particular the capacity—

- (a) *to contract;*
- (b) *to acquire and dispose of immovable and movable property;*
- (c) *to institute legal proceedings.*

Article 40

1. *The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.*

2. *Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.*

3. *Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.*

ANNEX

Declaration concerning the aims and purposes of the International Labour Organisation.

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles

which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

(a) labour is not a commodity;
(b) freedom of expression and of association are essential to sustained progress;

(c) poverty anywhere constitutes a danger to prosperity everywhere;

(d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

(*b*) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;

(*c*) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

(*d*) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(*e*) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

(*a*) full employment and the raising of standards of living;

(*b*) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(*c*) the provision, as a means to the attainment of this end and under

adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

(*d*) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(*e*) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(*f*) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(*g*) adequate protection for the life and health of workers in all occupations;

(*h*) provision for child welfare and maternity protection;

(*i*) the provision of adequate nutrition, housing and facilities for recreation and culture;

(*j*) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures

to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

CHAPTER IV—TRANSITORY PROVISIONS

Article 38

1. The first meeting of the Conference shall take place in October, 1946. The place and agenda for this meeting shall be as specified in the Annex hereto.

2. Arrangements for the convening and the organisation of the first meeting of the Conference will be

made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

3. The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article 39

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

Article 40

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

ANNEX

FIRST MEETING OF ANNUAL
LABOUR CONFERENCE, 1919

1. The place of meeting will be Washington.

2. The Government of the United States of America is requested to convene the Conference.

3. The International Organising Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

4. Agenda:

(1) Application of principle of the 8-hours day or of the 48-hours week.

(2) Question of preventing or providing against unemployment.

(3) Women's employment:

(a) Before and after childbirth, including the question of maternity benefit;

(b) During the night;

(c) In unhealthy processes.

(4) Employment of children:

(a) Minimum age of employment;

(b) During the night;

(c) In unhealthy processes.

(5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II

GENERAL PRINCIPLES

Article 41

The High Contracting Parties, recognising that the well-being, physi-

cal, moral and intellectual, of industrial wage earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I, and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are Members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage earners of the world.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1946, duly adopted by the General Conference of the International Labour Organisation on the ninth day of October one thousand nine hundred and forty-six in the course of its twenty-ninth Session, which was held at Montreal.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

The President of the Conference,
HUMPHREY MITCHELL

The Director-General of the International Labour Office,
EDWARD PHELAN

SPANISH RECOGNITION OF ALLIED CONTROL COUNCIL FOR GERMANY

Exchange of notes at Madrid October 28, 1946
Entered into force October 28, 1946

Department of State files

*The American Chargé d'Affaires ad interim to the Spanish Minister of
Foreign Affairs*

MADRID, *October 28, 1946*

EXCELLENCY:

I have the honor to refer to the various communications and conversations between Your Excellency, the British Ambassador, the Minister Plenipotentiary in Charge of the Delegation of the Provisional Government of the French Republic in Spain, and the Chargé d'Affaires of the United States of America, with reference to the recognition of the Allied Control Council for Germany as exercising the authority of the former German Government. In this connection I am instructed by my Government to advise Your Excellency as follows:

1. In accordance with Your Excellency's request there are attached authentic copies of the original English Texts of the documents constituting the basic juridical and political authority of the Allied Control Council for Germany. These documents are:

- a. The Act of Surrender of Germany, dated May 7, 1945;¹
- b. The Declaration of Berlin, dated June 5th, 1945.²

By virtue of Article IV of the Act of Surrender, Germany undertook to give effect to any general instrument of surrender which might later be imposed upon it.

This was imposed by the Declaration of Berlin of June 5th, 1945 under which the four occupying Allied Powers assumed all of the powers of the German Government, High Command, and any State, municipal or local government or authority of Germany. Concurrently, the four occupying Allied Powers agreed to exercise this authority through the Allied Control Council for Germany.

¹ TS 502, *ante*, vol. 3, p. 1123.

² TIAS 1520, *ante*, vol. 3, p. 1140.

2. My Government requests that the Spanish Government recognize the assumption of those powers by the Allied Control Council for Germany as described in the Declaration of Berlin, dated June 5th, 1945, annexed hereto. The immediate consequences of this recognition are deemed to be the recognition of the authority of the Allied Control Council for Germany with respect to the governmental assets, whether official or quasi-official, of Germany in Spain, its Possessions and Protectorates (hereinafter collectively referred to as "Spain"), and likewise that the Allied Control Council for Germany has, within the limitations imposed by the laws of Spain, no less authority than any previous German Government with respect to German subjects and their property in Spain. At the same time, my Government is mindful of questions raised by Your Excellency concerning the eventual disposition of certain assets and of the proceeds of assets, and is prepared to undertake general negotiations on this subject with the Spanish Government at the earliest convenience of the Spanish Government and the Allied Control Council for Germany, following recognition.

3. I am authorized by my Government to guarantee the Spanish Government that the first Government to succeed the Allied Control Council for Germany will recognize formally the validity of all actions taken by Spain at the request of the Allied Control Council for Germany.

4. My Government takes the position that such claims as the Spanish Government may present against Germany should be submitted in the general negotiations mentioned in Paragraph 2 which are to follow recognition and that such claims will be given consideration at that time; and that the Allied Control Council for Germany will assume, after its recognition by Spain as the Government of Germany, the rights and obligations incident to its status as a Government.

5. Upon the recognition by Spain of the Allied Control Council for Germany as the Government of Germany, the Spanish Government will adopt the necessary measures in order that the representatives in Spain of the Allied Control Council for Germany shall be considered as the Government of Germany with respect to the registration and disposal of property of the German Government, both official and quasi-official, situated in Spain. Such measures, which will include the delivery to the representatives of the Allied Control Council and the unblocking of such property, will be taken prior to and without prejudice to the general negotiations referred to in Paragraph 2 of this note and subsequent Paragraphs. It is understood that in doubtful cases, the public character of those assets or property indicated by the representatives in Spain of the Allied Control Council as belonging to the German Government will be investigated, and that on establishing such character they will be registered and regulated in the same manner as those referred to in the preceding sentences. It is similarly understood that until the negotiations referred to in Paragraph 2 of this note have been resolved, transfers abroad or investments of any class of German public property identified

in Spain will be effected only upon prior agreement between the Spanish Government and the representatives of the Allied Control Council for Germany. Excepted from the above provisions are expenses normal to administration and general expenses of conservation. To this end an account of the representatives of the Allied Control Council for Germany will be opened in an official banking establishment.

Both the Spanish Government and the representatives of the Allied Control Council for Germany will exchange detailed information relating to German assets held or known by either party to exist in Spain, including, on the above-mentioned account being opened, information regarding the origin and composition of the funds of every nature to be credited to the account and which are at present in possession of the Spanish Government or the representatives of the Allied Control Council; similar information will be reciprocally exchanged for any amount subsequently credited.

In the general negotiations referred to in Paragraph 2 and other sections of this note, the credits claimed by the Spanish Government against the German Government and those of the German Government against the Spanish Government will be examined.

6. Under the Declaration of Berlin, dated June 5th, 1945 annexed hereto, and in accordance with the Declaration of Potsdam, dated August 2nd, 1945,³ the Governments of the United States of America, of the United Kingdom and the Provisional Government of the French Republic are jointly responsible for the German assets within geographical limitations in which Spain is located. Accordingly, the above three Allied Governments will act as the Representatives in Spain of the Allied Control Council for Germany.

Accept, Excellency, the renewed assurances of my highest consideration.

PHILIP W. BONSAI,
Chargé d'Affaires, a.i.

His Excellency

DON ALBERTO MARTIN ARTAJO,
Minister of Foreign Affairs.

*The Spanish Minister of Foreign Affairs to the American Chargé d'Affaires
ad interim*

[TRANSLATION]

MADRID, *October 28, 1946*

Dear Sir:

I have the honor to acknowledge receipt of your note dated today, in which you inform me as follows:

³ *Ante*, vol. 3, pp. 1207 and 1224.

[For text, see U.S. note, above.]

I have the honor to inform you that the Spanish Government concurs in the foregoing.

I avail myself of this opportunity, Mr. Chargé d'Affaires, to renew to you the assurances of my distinguished consideration.

ALBERTO MARTÍN ARTAJO

Mr. PHILIP BONSAI

*First Secretary of Embassy,
Chargé d'Affaires ad interim of
the United States of America*

PROVISIONAL MARITIME CONSULTATIVE COUNCIL

*Agreement adopted by the United Maritime Consultative Council at
Washington October 30, 1946*

*Acceptance by the United States deposited at London November 20,
1946*

Entered into force April 23, 1947

Terminated March 17, 1958, by convention of March 6, 1948¹

61 Stat. 3796; Treaties and Other
International Acts Series 1724

AGREEMENT FOR PROVISIONAL MARITIME CONSULTATIVE COUNCIL

ARTICLE I. *Scope and Purposes*

The Provisional Maritime Consultative Council shall be established as a temporary organization pending the establishment of a permanent inter-governmental agency in the maritime field.

i. to provide machinery for cooperation among Governments in the field of Governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation;

ii. to encourage the removal of all forms of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade so as to promote the availability of shipping services to the commerce of the world without discrimination;

iii. to provide for the consideration by the Council of any shipping problems of an international character involving matters of general principle that may be referred to the Council by the United Nations. Matters which are suitable for settlement through the normal processes of international shipping business are not within the scope of the Council.

iv. to provide for the exchange of information among Governments on matters under consideration by the Council.

¹ 9 UST 621; TIAS 4044.

ARTICLE II. *Functions*

The functions of the Provisional Maritime Consultative Council, which shall be consultative and advisory, shall be

(a) To consider and make recommendations on any matter within its scope as set forth in Sections (i) and (ii) of ARTICLE I.

(b) To consider and make recommendations on matters within its scope upon the request of any organ of the United Nations or other inter-governmental specialized agency.

(c) To advise on matters relating to the draft constitution for a permanent inter-governmental maritime organization.

ARTICLE III. *Membership*

Membership in the Council shall consist of those governments which notify the Government of the United Kingdom of their acceptance of this Agreement, being either governments members of the UMCC [United Maritime Consultative Council]² or governments members of the United Nations.

ARTICLE IV. *Organization*

(1) The Council shall consist of all Member Governments.

(2) The Council may elect an Executive Committee consisting of twelve member governments which shall exercise such functions as may be delegated to it by the Council. The Executive Committee shall not be established by the Council until at least twenty governments have accepted this agreement.

(3) The Council shall at each session determine the host Government and the time for its next meeting. Upon the request of not less than four of the members the Chairman shall summon the Council for an earlier date. The Government of _____ shall convene the first meeting of the Council at any time after March 1, 1947.³

(4) The host Government arranged for each session shall designate a Chairman who shall hold office until the host Government for the next following session has been decided, and shall provide the necessary secretariat for meetings held within its territory.

(5) Decisions of the Council shall be taken by a majority of those present and voting. Ten Members shall constitute a quorum. The Council shall otherwise determine its own rules of procedure.

ARTICLE V. *Entry into Force*

(1) This agreement shall remain open for acceptance in the archives of the Government of the United Kingdom and shall enter into force when

² For background, see agreement of Feb. 11, 1946 (TIAS 1723), *ante*, p. 33.

³ The first meeting of the Council began at Paris May 16, 1947.

twelve Governments, of which five shall each have a total tonnage of not less than 1,000,000 g. t. of shipping have accepted it.⁴

(2) As soon as this agreement has come into force, a copy of the agreement together with the names of the Governments who have accepted it shall be sent by the Government of the United Kingdom to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.⁵

ARTICLE VI. *Termination*

This agreement shall cease to have effect upon the entry into force of a constitution for a permanent inter-government maritime organization or if the membership falls below twelve. A member government may withdraw at any time upon six months notice to the Government of the United Kingdom.

⁴ When the agreement entered into force on Apr. 23, 1947, acceptances had been deposited by Australia, Belgium, Canada, Chile, Denmark, France, Greece, the Netherlands, Norway, Poland, the United Kingdom, and the United States. Subsequently acceptances were deposited by Brazil, India, and New Zealand.

⁵ TS 993, *ante*, vol. 3, p. 1176.

CARIBBEAN COMMISSION

Agreement signed at Washington October 30, 1946

Approved by the President of the United States March 4, 1948

Approval by the United States deposited at Washington March 8, 1948

Entered into force August 6, 1948

*Terminated September 15, 1961, by agreement of June 21, 1960*¹

62 Stat. 2618; Treaties and Other
International Acts Series 1799

AN AGREEMENT FOR THE ESTABLISHMENT OF THE CARIBBEAN COMMISSION

The Governments of the United States of America, the French Republic, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland, whose duly authorized representatives have subscribed hereto,

Being desirous of encouraging and strengthening cooperation among themselves and their territories with a view toward improving the economic and social well-being of the peoples of those territories, and

Being desirous of promoting scientific, technological, and economic development in the Caribbean area and facilitating the use of resources and concerted treatment of mutual problems, avoiding duplication in the work of existing research agencies, surveying needs, ascertaining what research has been done, facilitating research on a cooperative basis, and recommending further research, and

Having decided to associate themselves in the work heretofore undertaken by the Anglo-American Caribbean Commission,² and

Having agreed that the objectives herein set forth are in accord with the principles of the Charter of the United Nations

Hereby agree as follows:

Article I

Establishment of the Caribbean Commission and Auxiliary Bodies

There are hereby established the Caribbean Commission (hereinafter referred to as "the Commission") and, as auxiliary bodies of the Commission, the Caribbean Research Council and the West Indian Conference (herein-

¹ 12 UST 1297; TIAS 4853.

² For background, see *Department of State Bulletin*, Mar. 14, 1942, p. 229, and July 8, 1945, p. 54.

after referred to as “the Research Council” and “the Conference” respectively).

Article II

Composition of the Commission

1. The Commission shall consist of not more than sixteen Commissioners appointed by the Governments signatory hereto (hereinafter referred to as the “Member Governments”). Each Member Government may appoint four Commissioners and such alternates as it may deem necessary. Each such group of Commissioners shall form a national section of the Commission.

2. Each Member Government shall designate one of its Commissioners to be the Chairman of its national section. Each such Chairman, or in his absence, the Commissioner designated by him from his national section as his alternate, shall be a Co-Chairman of the Commission and shall preside over meetings of the Commission in rotation according to English alphabetical order of the Member Governments, irrespective of where a meeting of the Commission may be held.

Article III

Powers of the Commission

The Commission shall be a consultative and advisory body and shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article IV

Functions of the Commission

The functions of the Commission shall be as follows:

(1) To concern itself with economic and social matters of common interest to the Caribbean area particularly agriculture, communications, education, fisheries, health, housing, industry, labor, social welfare and trade.

(2) To study, formulate and recommend on its own initiative, or as may be proposed by any of the Member or territorial Governments, by the Research Council or the Conference, measures, programs and policies with respect to social and economic problems designed to contribute to the well-being of the Caribbean area. It shall advise the Member and territorial Governments on all such matters, and make recommendations for the carrying into effect of all action necessary or desirable in this connection.

(3) To assist in co-ordinating local projects which have regional significance and to provide technical guidance from a wide field not otherwise available.

(4) To direct and review the activities of the Research Council and to formulate its rules of procedure.

(5) To provide for the convening of the sessions of the Conference, to formulate its rules of procedure, and to report to the Member Governments on Conference resolutions and recommendations.

Article V

Meetings of the Commission

1. The Commission shall hold not less than two Commission meetings each year. It is empowered to convene and hold meetings at any time and at any place it may decide.

2. At all such meetings the four Co-Chairmen, or their designated alternates, shall constitute a quorum.

Article VI

Method of Arriving at Decisions

The Commission shall be empowered to determine the method of arriving at its decisions, providing that decisions other than those relating to procedure shall not be taken without the concurrence of the respective Co-Chairmen or their designated alternates.

Article VII

The Research Council

The Research Council, together with such Research Committees as the Commission may establish, shall serve as an auxiliary body of the Commission with respect to scientific, technological, social and economic research for the benefit of the peoples of the Caribbean area.

Article VIII

Composition of the Research Council

1. The Research Council shall consist of not less than seven and not more than fifteen members who shall be appointed by the Commission having special regard to their scientific competence. At least one member of each Research Committee shall be a member of the Research Council.

2. The Research Council shall elect a Chairman from among its members. A Deputy Chairman of the Research Council shall be appointed by the Commission and shall serve on the Central Secretariat.

3. The present composition of the Research Council and of its Research Committees shall be deemed to be effective from the 1st day of January, 1946.

Article IX

Functions of the Research Council

The functions of the Research Council shall be :

(a) To recommend to the Commission the number and functions of the technical Research Committees necessary to provide specialized scientific consideration of Caribbean research problems.

(b) In the interest of the Caribbean area to ascertain what research has been done, to survey needs, to advise concerning desirable research projects, to arrange and facilitate cooperative research, to undertake research assignments of a special nature which no other agency is able and willing to carry out, and to collect and disseminate information concerning research.

(c) To recommend to the Commission the holding of Research Council and Committee meetings and also of meetings of scientific, specialist and extension workers, and to facilitate an interchange of experience among the research workers of the Caribbean.

Article X

The Conference

The Conference shall be an auxiliary body of the Commission. The continuity of its existence shall be ensured by means of regular sessions.

Article XI

Composition of the Conference

1. Each territorial government shall be entitled to send to each session of the Conference not more than two delegates and as many advisers as it may consider necessary.

2. Delegates to the Conference shall be appointed for each territory in accordance with its constitutional procedure. The duration of their appointments shall be determined by the appointing governments.

Article XII

Functions of the Conference

The sessions of the Conference shall provide a regular means of consultation with and between the delegates from the territories on matters of common interest within the terms of reference of the Commission as described in Article IV hereof, and shall afford the opportunity to present to the Commission recommendations on such matters.

Article XIII

Meetings of the Conference

1. The Commission shall convene the Conference at least biennially, on such date as the Commission shall decide. The location of each session of the

Conference, which shall be in one of the territories, shall be selected in rotation according to English alphabetical order of the Member Governments.

2. The Chairman of each session of the Conference shall be the Chairman of the national section of the Commission in whose territory the session is held.

Article XIV

Central Secretariat

1. The Commission shall establish, at a place within the Caribbean area to be agreed upon by the Member Governments, a Central Secretariat to serve the Commission and its auxiliary bodies.

2. A Secretary-General and a Deputy Secretary-General shall be appointed by the Commission under such terms and conditions as it shall prescribe. On the occurrence of a vacancy in the office of Secretary-General the position shall not be filled, except for special reasons approved by the Commission, by a candidate of the same nationality as the outgoing Secretary-General, regard being had to the desirability of continuity in the administration of the Commission's business. It shall, however, be open to the Commission at its discretion to reappoint any Secretary-General for a further term. The Secretary-General shall be the chief administrative officer of the Commission and shall carry out all directives of the Commission.

3. The Secretary-General shall be responsible for the proper functioning of the Central Secretariat and shall be empowered, subject to such directions as he may receive from the Commission, to appoint and dismiss such staff as may be deemed necessary to ensure efficient conduct of Commission business, provided that the appointment and dismissal of the Assistants to the Secretary-General shall be subject to approval by the Commission.

4. In the appointment of the Secretary-General, officers and staff of the Central Secretariat, primary consideration shall be given to the technical qualifications and personal integrity of candidates and, to the extent possible consistent with this consideration, such officers and staff shall be recruited within the Caribbean area and with a view to obtaining a balanced national representation.

5. In the performance of their duties, the Secretary-General and the staff shall not seek, receive or observe instructions from any government or from any other authority external to the Commission. They shall refrain from any action which might reflect on their position as international officials responsible only to the Commission.

6. Each Member Government 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.

7. Each Member Government undertakes so far as possible under its constitutional procedure to accord to the Secretary-General and appropriate personnel of the Central Secretariat such privileges and immunities as are nec-

essary for the independent exercise of their functions, including inviolability of premises and archives of the Central Secretariat. The Commission shall make recommendations with a view to determining the details of the application of this paragraph, or may propose conventions to the Member Governments for this purpose.

Article XV

Finances

1. The salaries, allowances and miscellaneous expenditures of the Commissioners and their staffs, and of delegates and advisers to conferences, shall be determined and paid by the respective governments appointing them.

2. The Secretary-General shall prepare and submit to the Commission an annual budget and such supplementary budgets as may be required covering all other expenditures of the Commission, including those of the Research Council, the Conference, the Central Secretariat, special research projects, conferences, surveys and other similar activities under Commission auspices. Upon approval of the budget by the Commission, the total amount thereof shall be allocated among the Member Governments in proportions to be determined by agreement. A joint fund shall be established by the Member Governments for the use of the Commission in meeting the expenditures estimated in the said annual or supplementary budgets. Each Member Government shall undertake, subject to the requirements of its constitutional procedure, to contribute promptly to this fund such annual and supplementary sums as may be charged to each as agreed.

3. The fiscal year of the Commission shall be the calendar year. The first budget of the Commission shall cover the period from the date of the entry into force of this Agreement to and including the 31st day of December, 1946.

4. The Secretary-General shall hold and administer the joint fund of the Commission and shall keep proper accounts thereof. The Commission shall make arrangements satisfactory to the Member Governments for the audit of its accounts. The audited statements shall be forwarded annually to each Member Government.

Article XVI

Authority To Appoint Committees and Make Regulations

The Commission is hereby empowered to appoint committees, and subject to the provisions of this Agreement, to promulgate rules of procedure and regulations governing the operations of the Commission, its auxiliary bodies, the Central Secretariat, and such committees as it shall establish, and generally for the purpose of carrying into effect the terms of this Agreement.

Article XVII

*Relationship with Non-Member
Governments in the Area*

The Commission and Research Council in their research projects and in the formulation of recommendations shall bear in mind the desirability of cooperation in social and economic matters with other governments of the Caribbean area, not members of the Commission. The issuance of invitations to such governments to participate in conferences or other meetings sponsored by the Commission shall be subject to approval by the Member Governments.

Article XVIII

Relationship with United Nations and Specialized Agencies

1. The Commission and its auxiliary bodies, while having no present connection with the United Nations, shall cooperate as fully as possible with the United Nations and with appropriate specialized agencies on matters of mutual concern within the terms of reference of the Commission.

2. The Member Governments undertake to consult with the United Nations and the appropriate specialized agencies, at such times and in such manner as may be considered desirable, with a view to defining the relationship which shall exist and to ensuring effective cooperation between the Commission and its auxiliary bodies and the appropriate organs of the United Nations and specialized agencies, dealing with economic and social matters.

Article XIX

Saving Clause

Nothing in this Agreement shall be construed to conflict with the existing or future constitutional relations between any Member Government and its territories or in any way to affect the constitutional authority and responsibility of the territorial governments.

Article XX

Definitions

In this Agreement the expressions "territories" or "territorial governments" shall be deemed to relate to the territories, possessions, colonies, or groups of colonies of the Member Governments in the Caribbean area or to the administrations or governments thereof.

Article XXI

Entry into Force

1. This Agreement shall enter into force when notices of approval thereof shall have been deposited by all four signatory governments with the Gov-

ernment of the United States of America which shall notify the other signatory governments of each such deposit and of the date of entry into force of the Agreement.

2. This Agreement shall have indefinite duration, provided that after an initial period of five years any Member Government may give notice at any time of withdrawal from the Commission. Such notice shall take effect one year after the date of its formal communication to the other Member Governments, but this Agreement shall continue in force with respect to the other Member Governments.

In witness whereof the duly authorized representatives of the respective Member Governments have signed this Agreement on the dates appearing opposite their signatures.³

Opened for signature in Washington, on October 30, 1946, and done in quadruplicate, in the English, French, and Netherlands languages, each of which shall be equally authentic.

For the United States of America:
(Reserving the right to await Congressional consideration before giving notice of approval)
CH. WM. TAUSSIG

For the French Republic:
HENRI BONNET

For the Kingdom of the Netherlands:
A. LOUDON

For the United Kingdom of Great Britain and Northern Ireland:
INVERCHAPEL

³ The agreement was signed on behalf of each of the member governments on Oct. 30, 1946.

REGULATION OF WHALING

Protocol signed at Washington December 2, 1946, extending the protocol of November 26, 1945

Senate advice and consent to ratification July 2, 1947

Ratified by the President of the United States July 18, 1947

Ratification of the United States deposited at Washington July 18, 1947

Entered into force February 5, 1948

Proclaimed by the President of the United States February 16, 1948

*Expired at end of 1947/48 whaling season*¹

62 Stat. 1577; Treaties and Other
International Acts Series 1708

PROTOCOL FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the necessity of an early decision regarding the regulations to be made applicable to the whaling season of 1947-48;

Having due regard both to the world shortage of oil and fats and to the necessity for the conservation of the whale stocks;

Agree as follows:

Article I

All the provisions of the Protocol for the Regulation of Whaling signed in London on November 26, 1945² shall be made applicable as if in the said Protocol the words "season 1947-48" were substituted for the words "season 1946/47" and the words "1 May 1948 to 31 October 1948" were substituted for the words "1st May, 1947, to 31st October, 1947".

Article II

This Protocol shall come into force when notifications of acceptance thereof shall have been given to the Government of the United States of America by all the Governments parties to the Protocol of November 26, 1945.

This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

¹ The whaling season is defined in art. 1 of protocol of Nov. 26, 1945, as covering the period from Dec. 8 to Apr. 7, inclusive.

² TIAS 1597, vol. 3, p. 1328.

In witness whereof the undersigned, being duly authorized, have signed this Protocol.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

For Argentina:

O. IVANISSEVICH
J. M. MONETA
G. BROWN
PEDRO H. BRUNO VIDELA

For Australia:

F. F. ANDERSON

For Brazil:

PAULO FRÓES DA CRUZ

For Canada:

H. H. WRONG
HARRY A. SCOTT

For Chile:

AGUSTIN R. EDWARDS

For Denmark:

P. F. ERICHSEN

For France:

FRANCIS LACOSTE

For the Netherlands:

D. J. VAN DIJK

For New Zealand:

G. R. POWLES

For Norway:

BIRGER BERGERSEN

For Peru:

C. ROTALDE

For the Union of Soviet Socialist Republics:

A. BOGDANOV
E. NIKISHIN

For the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON
JOHN THOMSON

For the United States of America:

REMINGTON KELLOGG
IRA N. GABRIELSON
WILLIAM E. S. FLORY

For the Union of South Africa:

H. T. ANDREWS

REGULATION OF WHALING

Convention signed at Washington December 2, 1946, with schedule of regulations

Senate advice and consent to ratification July 2, 1947

Ratified by the President of the United States July 18, 1947

Ratification of the United States deposited at Washington July 18, 1947

Entered into force November 10, 1948

Proclaimed by the President of the United States November 19, 1948

Convention amended by protocol of November 19, 1956¹

Schedule amended June 7, 1949,² July 21, 1950,³ July 27, 1951,⁴ June 6, 1952,⁵ June 26, 1953,⁶ July 23, 1954,⁷ July 23, 1955,⁸ July 16–20, 1956,⁹ June 28, 1957,¹⁰ June 23–27, 1958,¹¹ June 22–July 1, 1959,¹² June 24, 1960,¹³ June 23, 1961,¹⁴ July 6, 1962,¹⁵ July 5, 1963,¹⁶ June 26, 1964,¹⁷ July 2, 1965,¹⁸ July 1, 1966,¹⁹ June 30, 1967,²⁰ and June 24–28, 1968²¹

62 Stat. 1716; Treaties and Other
International Acts Series 1849

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

¹ 10 UST 952; TIAS 4228.

² 1 UST 506; TIAS 2092.

³ 2 UST 11; TIAS 2173.

⁴ 3 UST 2999; TIAS 2486.

⁵ 3 UST 5094; TIAS 2699.

⁶ 4 UST 2179; TIAS 2866.

⁷ 6 UST 645; TIAS 3198.

⁸ 7 UST 657; TIAS 3548.

⁹ 8 UST 69; TIAS 3739.

¹⁰ 8 UST 2203; TIAS 3944.

¹¹ 10 UST 330; TIAS 4193.

¹² 11 UST 32; TIAS 4404.

¹³ 13 UST 493; TIAS 5014.

¹⁴ 13 UST 497; TIAS 5015.

¹⁵ 14 UST 112; TIAS 5277.

¹⁶ 14 UST 1690; TIAS 5472.

¹⁷ 15 UST 2547; TIAS 5745.

¹⁸ 17 UST 35; TIAS 5953.

¹⁹ 17 UST 1640; TIAS 6120.

²⁰ 18 UST 2391; TIAS 6345.

²¹ 19 UST 6030; TIAS 6562.

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937²² and the protocols to that Agreement signed in London on June 24, 1938²³ and November 26, 1945;²⁴ and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

²² TS 933, *ante*, vol. 3, p. 455.

²³ TS 944, *ante*, vol. 3, p. 519.

²⁴ TIAS 1597, *ante*, vol. 3, p. 1328.

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Article IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be later; and (c) thereafter, the amendment shall become effective with respect to all Contracting

Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing 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 provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the

Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whale the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

Article XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice

shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

For Argentina:

O. IVANISSEVICH
J. M. MONETA
G. BROWN
PEDRO H. BRUNO VIDELA

For Australia:

F. F. ANDERSON

For Brazil:

PAULO FRÓES DA CRUZ

For Canada:

H. H. WRONG
HARRY A. SCOTT

For Chile:

AGUSTIN R. EDWARDS

For Denmark:

P. F. ERICHSEN

For France:

FRANCIS LACOSTE

For the Netherlands:

D. J. VAN DIJK

For New Zealand:

G. R. POWLES

For Norway:

BIRGER BERGERSEN

For Peru:

C. ROTALDE

For the Union of Soviet Socialist Republics:

A. BOGDANOV

E. NIKISHIN

For the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON

JOHN THOMSON

For the United States of America:

REMINGTON KELLOGG

IRA N. GABRIELSON

WILLIAM E. S. FLORY

For the Union of South Africa:

H. T. ANDREWS

SCHEDULE

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whale or female whales which are accompanied by calves or suckling whales.

4. 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:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale 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.

5. 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 westward as far as 160° West Longitude.

6. 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.

7. (a) 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 December 15 to April 1 following, both days inclusive.

(b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

- (1) two fin whales or
- (2) two and a half humpback whales or
- (3) six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.

(d) If it should appear that the maximum catch of whales permitted by subparagraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales	70 feet (21.3 meters)
(b) fin whales	55 feet (16.8 meters)
(c) sei whales	40 feet (12.2 meters)
(d) humpback whales	35 feet (10.7 meters)
(e) sperm whales	35 feet (10.7 meters)

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) 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.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: that is to say, any whale between 75'6" and 76'6" shall be logged as 76', and any whale between 76'6" and 77'6" shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.* 76'6" precisely, shall be logged as 77'.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen 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.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. 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 (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms 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. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude 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. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified :

- (a) the name and gross tonnage of each factory ship;
- (b) the number and aggregate gross tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:

"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 rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;

"sei whale" means 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;

"gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, 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;

"Dauhval" means any unclaimed dead whale found floating.

PROCUREMENT OF TIN FROM SIAM

*Memorandum of understanding, with exchanges of notes signed at
Bangkok December 7, 1946*

Entered into force December 7, 1946

*Extended by agreements of December 30, 1946, and March 31 and June
30, 1947¹*

Expired December 31, 1947

Department of State files

MEMORANDUM OF UNDERSTANDING

In an effort to expedite the flow of tin from Siam to world markets and to make provision for the proper and speedy settlement of certain obligations of the Siamese Government to United Kingdom, Australian and other British Commonwealth mine owners, arising under the formal agreement of January 1st, 1946² between Siam, Great Britain and India, and the final peace agreement of April 3rd, 1946 between Siam and Australia, the Governments of the United Kingdom, the Commonwealth of Australia and the United States of America have reached an understanding as a result of which the following proposals are now made to the Siamese Government by His Majesty's Government in the United Kingdom and the Government of Australia.

1. The Siamese Government is requested to agree upon specified quantities in tons of tin ore (including tin notionally converted to ore) as representing the quantities of tin and tin ore produced from British Commonwealth mines during the war and at present in Siam away from the mine sites, and on a specified comparable figure for tin and tin ore at present on the mine sites of British Commonwealth companies. The quantities of tin ore shall be agreed as having an assay value of 70% tin content. For the purposes of compensation, the overall total will be taken as corresponding to reclamation of tin mined from British Commonwealth mines since December 7th 1941, and stocks of tin lying on the mines at that date. This overall total is calculated to be 15,992.7 tons of tin ore, details concerning which are explained in the Appendix to this Memorandum. The Siamese Government is also requested to agree to pay into an account to be designated by the United Kingdom and Australian Governments, as compensation on

¹ Not printed.

² 99 UNTS 131.

account of such total tonnage, a total sum in sterling, free of exchange control restrictions, to be computed as provided in paragraph 2 below. Payments on this account are to be made as tin consignments are sold for export, or in such other manner as may be agreed, and are to be completed by 31st March 1947 with such extension of time as may be agreed between the contracting parties. The allocation of monies paid into the above account to the mining companies, in accordance with the principles set out in paragraph 2 below, will be arranged by agreement between the Governments of the United Kingdom and the Commonwealth of Australia.

Note: Though the sterling to be paid to the account mentioned shall be free of Siamese exchange control, nevertheless such part of this sterling as the companies may wish to reconvert to ticals for use in Siam shall be sold at the official rate through the normal banking channels.

2. The amount to be paid by the Siamese Government in accordance with paragraph 1 above is to be determined as follows:

The Governments of the United Kingdom and Commonwealth of Australia will ascertain the average operating profit per ton of ore which the British Commonwealth companies were making in the period immediately preceding the recent war, and the companies will then receive this same rate per ton in respect of every ton of ore produced from their mines as agreed under paragraph 1 above. The term "operating profit" means in this connection the profit derived after normal operating costs, royalties and freight to point of sale. Any increase in price of tin since 1941 would not affect the amount due to the companies.

N.B. In computing operating profit from tin, the following deductions will be made from the net realisation based on a price of £264.12.0 (sterling) per ton of metal:

- (1) Siamese Government royalty and export duty.
- (2) Dredger working expenditure.
- (3) Repairs and renewals.
- (4) Surface expenditure, including transport of ore.
- (5) Management and general charges in Siam.
- (6) Such other items, if any, as may be agreed by the contracting parties.

3. The Siamese Government will be responsible for the removal and transportation in Siam of all tin and tin ore exported under paragraph 1 above by as early a date as possible, unless in any particular case the relevant British Commonwealth Mining Company or the buyer of the tin or tin ore desires to accept such responsibility.

4. Nothing in this agreement shall prevent British Commonwealth claimants from presenting through the agreed procedure for the settlement of British Commonwealth War Damage claims, claims other than those for loss of tin and tin ore covered by the present proposals.

5. Following upon agreement with the Siamese Government in respect of paragraphs 1 and 2 above, the United Kingdom, Australian, United States and Siamese Governments shall each appoint one representative, with or without advisers, to constitute a Siamese tin commission. The chairman shall be either the United Kingdom or Australian Commissioners as representing the principal producing interests.

6. The Commission will act in a supervisory capacity, and with no executive authority, to assure exports of tin in accordance, as far as tin metal is concerned, with allocation of the Washington Tin Committee. With regard to concentrates at present in Siam and new production of concentrates until December 31st 1946, the Commission shall supervise allocation on a basis of 50/50 between the United States and the United Kingdom. The date, December 31st 1946, with regard to the allocation of the new production in Siam, may be altered by mutual agreement. In addition to the supervisory functions mentioned above, the Tin Commission shall give assistance to the Siamese Government and to purchasers, in technical problems connected with expediting the export of tin from Siam.

7. The Tin Commission shall determine by agreement amongst its members its own rules of procedure and methods of operating in accordance with the plan set out in paragraph 6 above.

8. Subject to the general supervision of the Tin Commission as outlined in paragraph 6 above, purchases for export shall be made direct from the Siamese Government or from private holders if so authorized by the Siamese Government.

9. All buying for export until December 31st, 1946, will be on a non-competitive basis as stated in paragraph 6, but should the Tin Commission be terminated prior to December 31st, 1946, as provided for in paragraph 11 below, the agreement regarding non-competitive buying will terminate on the same date.

10. All purchases for export made under paragraph 8 above shall be at prices equivalent to those paid by the British Tin Buying Unit in MALAYA. All sellers who sell within a period of 60 days from the establishment of the Tin Commission will be guaranteed any increase in price which the British Tin Buying Unit in MALAYA may make prior to the expiration of 60 days. All payments overseas by buyers shall comply with the requirements of the Siamese foreign exchange regulations.

11. The Tin Commission shall cease to function not later than December 31st 1946, unless its continuation is agreed by all member Governments. The Commission may be terminated prior to December 31st 1946, should all member Governments agree.

BANGKOK

7th December 1946

APPENDIX

Statement of Calculation made to establish tonnage of tin and tin ore lying on British and Australian mines on December 7th, 1941, and produced from these mines since that date.

The British and Australian Survey Parties which recently visited Siam obtained certain figures from the records on the mine sites, including those kept by the Thai Mineral & Rubber Company during the war period, and from the records of the Department of Mines. These figures, which British and Australian tin interests have agreed to accept for purposes of compensation are as follows:

Stocks of ore at the mines on 7.12.41, plus production during the war:

British mines.....	9, 479. 70 tons
Australian mines.....	6, 513. 00 “
	<hr/>
Total.....	15, 992. 70 tons
	<hr/>

Present stocks on mines:

British mines:

Ore.....	2, 667. 0 tons
Metal.....	160. 8 “

which (on a basis of 70% assay) is equivalent to 229.8 tons of ore, making a total equivalent of 2,896.8 tons of ore.

Australian mines:

Ore.....	1, 047. 3 tons
Metal.....	71. 1 “

which (on a basis of 70% assay) is equivalent of 101.6 tons of ore, making a total equivalent of 1,148.9 tons of ore.

Present stocks on both British and Australian mines consequently total altogether the equivalent of:

4,045.7 tons of ore.

Stocks away from the mines are therefore calculated to be the equivalent of:

11.947 tons of ore.

Compensation is to be based on the overall figure of:

15,992.7 tons of ore.

EXCHANGES OF NOTES

*The American Minister at Bangkok to the Siamese
Minister of Foreign Affairs*

DECEMBER 7, 1946

No. 106

EXCELLENCY:

I have the honor to refer to the letters dated December 7, 1946, addressed to Your Excellency by His Britannic Majesty's Minister to Siam and the Australian Consul General at Bangkok, transmitting a Memorandum of Understanding setting forth proposals in regard to the procurement of tin from Siam and the settlement of certain obligations of the Siamese Government to Australian and other British Commonwealth mine owners, and to Your Excellency's replies thereto dated December 7, 1946 accepting the proposals in question.

I take pleasure in confirming to Your Excellency that, as indicated in the preamble to the Memorandum, the Government of the United States has in fact reached an understanding with the Governments of the United Kingdom and the Commonwealth of Australia with respect to the provisions of the Memorandum in question, copy of which is attached.

It is the hope of my Government that the Siamese Government will make arrangements without delay for the immediate sale of exportable tin metal and ore, the proceeds from which will assist in meeting the needs of Your Excellency's Government for foreign exchange and should greatly benefit the economy of Siam.

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

EDWIN F. STANTON

His Excellency,
NAI DIRECK JAYANAMA,
Minister for Foreign Affairs
Bangkok

*The Siamese Minister of Foreign Affairs to the
American Minister at Bangkok*

DECEMBER 7, 1946

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of Your Excellency's letter No. 106 of the 7th instant relative to the Memorandum of Understanding on tin, in which you were so good as to inform me that your Government had

in fact reached an understanding with the Government of the United Kingdom and the Commonwealth of Australia with respect to the provisions of the Memorandum in question.

I have the honour to confirm that the Siamese Government accepts the text and agrees to the provisions contained therein.

I beg to convey through Your Excellency to the Government of the United States an expression of the grateful thanks of my Government for the unfailing interest which they have taken in the well-being of the economy of Siam.

I need hardly add that my Government will not fail to make arrangements for the sale of exportable tin metal and ore and I look forward to Your Excellency's co-operation for its early realization.

I take pleasure in also enclosing herewith for your information copies of the letters exchanged between the British Minister and the Australian Consul-General and myself, with the exception of the Memorandum of Understanding a copy of which I understand you already possess.

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

DIRECK JAYANAMA
Minister of Foreign Affairs

His Excellency

Monsieur EDWIN F. STANTON,
*Envoy Extraordinary and Minister
Plenipotentiary of the United
States of America
Bangkok*

*The British Minister at Bangkok to the Siamese
Minister of Foreign Affairs*

7TH DECEMBER 1946

YOUR EXCELLENCY,

I have the honour to submit herewith the text of a Memorandum of Understanding incorporating certain provisions designed to expedite the flow of tin from SIAM to world markets and to provide for the proper and speedy settlement of certain obligations of the Siamese Government to United Kingdom, Australian and other British Commonwealth mine-owners, arising under the Formal Agreement of 1st. January 1946 between SIAM, GREAT BRITAIN and INDIA and the Final Peace Agreement of 3rd. April 1946 between SIAM and AUSTRALIA.

2. On behalf of the British Commonwealth Governments, other than the Government of AUSTRALIA, I have the honour to request Your Excellency's confirmation that the Siamese Government accepts this text and

agrees to the provisions contained therein. I understand that the Acting Australian Consul-General is addressing a separate note to Your Excellency requesting a similar confirmation in relation to the Government of AUSTRALIA.

3. In confirmation of the understanding reached orally during recent discussions between our respective representatives, it is agreed that the following matters will be discussed further in due course between the parties concerned and will form the subject of a separate exchange of notes:—

(a) The penultimate sentence of paragraph 1 of the Memorandum concerning such extension of the time for completion of payments beyond 31st March 1947 as may be agreed by the contracting parties.

(b) Item 6 of the note to paragraph 2 of the Memorandum.

(c) The question of extending the period of operation of the Tin Commission beyond 31st December 1946, in accordance with the provision contained in paragraph 11 of the Memorandum.

(d) The question of how the operating expenses of a Tin Commission are to be met.

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

G. H. THOMPSON

His Excellency,

NAI DIRECK JAYANAMA,
etc., etc., etc.,
Minister for Foreign Affairs,
Bangkok

*The Australian Consul General at Bangkok to the Siamese
Minister of Foreign Affairs*

7TH. DECEMBER, 1946

SIR,

I have the honour to submit herewith the text of a proposed Memorandum of Understanding incorporating certain provisions designed to expedite the flow of tin from SIAM to world markets and to provide for the proper and speedy settlement of certain obligations of the Siamese Government to United Kingdom, Australian and other British Commonwealth mine-owners, arising under the Formal Agreement of 1st. January 1946 between SIAM, GREAT BRITAIN and INDIA and the Final Peace Agreement of 3rd. April 1946 between SIAM and AUSTRALIA.

On behalf of the Government of AUSTRALIA I have the honour to request Your Excellency's confirmation that the Siamese Government accepts this text and agrees to the provisions contained therein. I understand that His Excellency the British Minister is addressing a separate note to Your Excellency requesting a similar confirmation in relation to other British Commonwealth Governments.

In confirmation of the understanding reached orally during recent discussions with your representatives, it is agreed that the following matters will be discussed further in due course between the parties concerned and will form the subject of a separate exchange of notes:—

- (a) the penultimate sentence of paragraph 1 of the Memorandum concerning such extension of the time for completion of payments beyond 31st. March 1947 as may be agreed by the contracting parties;
- (b) item 6 of the note to paragraph 2 of the Memorandum;
- (c) the question of extending the period of operation of the Tin Commission beyond 31st. December 1946 in accordance with the provision contained in paragraph 11 of the Memorandum;
- (d) the question of how the operating expenses of the Tin Commission are to be met.

I have the honour to be

Sir,

With the highest consideration

Your obedient servant,

A. J. EASTMAN

His Excellency

NAI DIRECK JAYANAMA,

Minister for Foreign Affairs,

Bangkok.

NARCOTIC DRUGS

Protocol, with annex, opened for signature at Lake Success December 11, 1946, and signed for the United States, subject to approval, December 11, 1946

Senate advice and consent to ratification June 24, 1947

Ratified by the President of the United States July 15, 1947

Ratification of the United States deposited with the United Nations August 12, 1947

Protocol entered into force December 11, 1946; for the United States August 12, 1947

Protocol proclaimed by the President of the United States October 14, 1947

Amendments relating to convention of July 13, 1931, entered into force November 21, 1947; proclaimed by the President of the United States March 30, 1948¹

Terminated by single convention of March 30, 1961,² as between contracting parties to the single convention

61 Stat. 2230; Treaties and Other
International Acts Series 1671

PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925 AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK ON 27 NOVEMBER 1931 AND AT GENEVA ON 26 JUNE 1936

The States Parties to the present Protocol, considering that under the international Agreements, Conventions and Protocols relating to narcotic drugs which were concluded on 23 January 1912,³ 11 February 1925,⁴ 19 February 1925,⁵ 13 July 1931,⁶ 27 November 1931⁷ and 26 June 1936,⁸ the League of Nations was invested with certain duties and functions for

¹ 62 Stat. 1796; TIAS 1859.

² 18 UST 1407; TIAS 6298.

³ TS 612, *ante*, vol. 1, p. 855

⁴ 51 LNTS 337.

⁵ 81 LNTS 317.

⁶ TS 863, *ante*, vol. 3, p. 1.

⁷ 177 LNTS 373.

⁸ 198 LNTS 299.

whose continued performance it is necessary to make provision in consequence of the dissolution of the League, and considering that it is expedient that these duties and functions should be performed henceforth by the United Nations and the World Health Organization or its Interim Commission, have agreed upon the following provisions:

ARTICLE I

The States Parties to the present Protocol undertake that as between themselves they will, each in respect of the instruments to which it is a party, and in accordance with the provisions of the present Protocol, attribute full legal force and effect to, and duly apply the amendments to those instruments which are set forth in the Annex to the present Protocol.

ARTICLE II

1. It is agreed that, during the period preceding the entry into force of the Protocol in respect of the International Convention relating to Dangerous Drugs of 19 February 1925, and in respect of the International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, the Permanent Central Board and the Supervisory Body as at present constituted shall continue to perform their functions. Vacancies in the membership of the Permanent Central Board may during this period be filled by the Economic and Social Council.

2. The Secretary-General of the United Nations is authorized to perform at once the duties hitherto discharged by the Secretary-General of the League of Nations in connection with the Agreements, Conventions and Protocols mentioned in the Annex to the present Protocol.

3. States which are Parties to any of the instruments which are to be amended by the present Protocol are invited to apply the amended texts of those instruments so soon as the amendments are in force even if they have not yet been able to become Parties to the present Protocol.

4. Should the amendments to the Convention relating to Dangerous Drugs of 19 February 1925, or the amendments to the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, come into force before the World Health Organization is in a position to assume its functions under these Conventions, the functions conferred on that Organization by the amendments shall, provisionally, be performed by its Interim Commission.

ARTICLE III

The functions conferred upon the Netherlands Government under articles 21 and 25 of the International Opium Convention signed at The Hague on 23 January 1912, and entrusted to the Secretary-General of the League of Nations with the consent of the Netherlands Government, by a resolution of

the League of Nations Assembly dated 15 December 1920, shall henceforward be exercised by the Secretary-General of the United Nations.

ARTICLE IV

As soon as possible after this Protocol has been opened for signature, the Secretary-General shall prepare texts of the Agreements, Conventions and Protocols revised in accordance with the present Protocol and shall send copies for their information to the Government of every Member of the United Nations and every non-member State to which this Protocol has been communicated by the Secretary-General.

ARTICLE V

The present Protocol shall be open for signature or acceptance by any of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs on [of] 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, to which the Secretary-General of the United Nations has communicated a copy of the present Protocol.

ARTICLE VI

States may become Parties to the present Protocol by

- (a) signature without reservation as to approval,
- (b) signature subject to approval followed by acceptance or
- (c) acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

ARTICLE VII

1. The present Protocol shall come into force in respect of each Party on the date upon which it has been signed on behalf of that Party without reservation as to approval, or upon which an instrument of acceptance has been deposited.

2. The amendments set forth in the Annex to the present Protocol shall come into force in respect of each Agreement, Convention and Protocol when a majority of the Parties thereto have become Parties to the present Protocol.

ARTICLE VIII

In accordance with Article 102 of the Charter of the United Nations,⁹ the Secretary-General of the United Nations will register and publish the

⁹ TS 993, *ante*, vol. 3, p. 1176.

amendments made in each instrument by the present Protocol on the dates of the entry into force of these amendments.

ARTICLE IX

The present protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Agreements, Conventions and Protocols to be amended in accordance with the Annex being in the English and French languages only, the English and French texts of the Annex shall equally be the authentic texts and the Chinese, Russian and Spanish texts will be translations. A certified copy of the Protocol, including the Annex, shall be sent by the Secretary-General to each of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, as well as to all Members of the United Nations and non-member States mentioned in Article IV.

In faith whereof the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments on the dates appearing opposite their respective signatures.

Done at Lake Success, New York, this eleventh day of December one thousand nine hundred and forty-six.

ANNEX

TO THE PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925 AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK ON 27 NOVEMBER 1931 AND AT GENEVA ON 26 JUNE 1936

1. AGREEMENT CONCERNING THE MANUFACTURE OF, INTERNAL TRADE IN, AND USE OF PREPARED OPIUM, WITH PROTOCOL AND FINAL ACT, SIGNED AT GENEVA ON 11 FEBRUARY 1925

In articles 10, 13, 14 and 15 of the Agreement, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations" and "the Secretariat of the United Nations" shall be substituted for "the Secretariat of the League of Nations".

In articles 3 and 4 of the Protocol, "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations".

2. INTERNATIONAL CONVENTION RELATING TO DANGEROUS DRUGS, WITH PROTOCOL, SIGNED AT GENEVA ON 19 FEBRUARY 1925

For article 8, the following article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any preparation containing any

of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the World Health Organization shall communicate this finding to the Economic and Social Council of the United Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present Convention will not be applicable to the preparation concerned.”

For article 10, the following article shall be substituted:

“In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this chapter of the Convention applies, the World Health Organization shall inform the Economic and Social Council accordingly and recommend that the provisions of the present Convention shall be applied to such drug.

“The Economic and Social Council shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-General of the United Nations, who will inform the other Contracting Parties.

“The provisions of the present Convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above.”

In the third paragraph of article 19, “the Economic and Social Council of the United Nations” shall be substituted for “the Council of the League of Nations”.

The fourth paragraph of article 19 shall be deleted.

In articles 20, 24, 27, 30, 32 and 38 (paragraph 1), “the Economic and Social Council of the United Nations” shall be substituted for “the Council of the League of Nations” and “the Secretary-General of the United Nations” shall be substituted for “the Secretary-General of the League of Nations”, wherever these words occur.

In article 32, “the International Court of Justice” shall be substituted for “the Permanent Court of International Justice”.

Article 34 shall read as follows:

“The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention.”

Article 35 shall read as follows:

“After the 30th day of September 1925, the present Convention may be acceded to by any State represented at the Conference at which this Convention was drawn up and which has not signed the Convention, by any Member of the United Nations, or by any non-member State mentioned in article 34.

“Accessions shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat of the United Nations. The Secretary-General shall at once notify such deposit to all the Members of the United Nations signatories of the Convention and to the signatory non-member States mentioned in article 34 as well as to the adherent States.”

Article 37 shall read as follows:

“A special record shall be kept by the Secretary-General of the United Nations showing which States have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Contracting Parties and shall be published from time to time as may be directed.”

The second paragraph of article 38 shall read as follows:

“The Secretary-General of the United Nations shall notify the receipt of any such denunciations to all the Members of the United Nations and to the States mentioned in article 34.”

3. INTERNATIONAL CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, WITH PROTOCOL OF SIGNATURE, SIGNED AT GENEVA ON 13 JULY 1931

In article 5, paragraph 1, the words “to all the Members of the League of Nations and to the non-member States mentioned in article 27” shall be replaced by the words “to all the Members of the United Nations and to the non-member States mentioned in article 28”.

For the first sub-paragraph of paragraph 6 of article 5, the following sub-paragraph shall be substituted:

“The estimates will be examined by a Supervisory Body consisting of four members. The World Health Organization shall appoint two members and the Commission on Narcotic Drugs of the Economic and Social Council and the Permanent Central Board shall each appoint one member.

“The secretariat of the Supervisory Body shall be provided by the Secretary-General of the United Nations who will ensure close collaboration with the Permanent Central Board.”

In article 5, paragraph 7, the words “December 15th in each year” shall be substituted for the words “November 1st in each year”, and the words “through the intermediary of the Secretary-General of the United Nations to all the Members of the United Nations and non-member States referred to

in article 28" shall be substituted for the words "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".

For paragraphs 2, 3, 4 and 5 of article 11, the following paragraphs shall be substituted:

"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 United Nations, who shall advise the other High Contracting Parties and the World Health Organization.

"3. The World Health Organization, acting on the advice of the expert committee appointed by it, will thereupon 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 World Health Organization, on the advice of the expert committee appointed by it, 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 Commission on Narcotic Drugs of the Economic and Social Council, and the third by the two members so selected.

"5. Any decision arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the United Nations, who will communicate it to all States Members of the United Nations and the non-member States mentioned in article 28."

In paragraphs 6 and 7 of article 11, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General".

In articles 14, 20, 21, 23, 26, 31, 32 and 33, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In article 21 for the words "by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs" shall be substituted the words "by the Commission on Narcotic Drugs of the Economic and Social Council".

For the second paragraph of article 25, the following paragraph shall be substituted:

"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 International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907¹⁰ for the Pacific Settlement of International Disputes.”

For the last paragraph of article 26, the following paragraph shall be substituted:

“The Secretary-General shall communicate to all Members of the United Nations or non-member States mentioned in article 28 all declarations and notices received in virtue of the present article.”

Article 28 shall read as follows:

“The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.”

Article 29 shall read as follows:

“The present Convention may be acceded to on behalf of any Member of the United Nations or any non-member State mentioned in article 28. The instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States mentioned in article 28.”

In the first paragraph of article 32, the last sentence shall read as follows:

“Each denunciation shall operate only as regards the High Contracting Party on whose behalf it has been deposited.”

The second paragraph of article 32 shall read as follows:

“The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 28 of any denunciation received.”

In the third paragraph of article 32, the words “High Contracting Parties” shall replace the words “Members of the League and non-member States bound by the present Convention”.

In article 33, the words “High Contracting Party” and “High Contracting Parties” shall replace the words “Member of the League of Nations or non-member State bound by this Convention” and “Members of the League of Nations or non-member States bound by this Convention”.

¹⁰ TS 536, *ante*, vol. 1, p. 577.

4. AGREEMENT FOR THE CONTROL OF OPIUM-SMOKING IN THE FAR EAST, WITH FINAL ACT, SIGNED AT BANGKOK ON 27 NOVEMBER 1931

In articles V and VII, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

5. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ILLICIT TRAFFIC IN DANGEROUS DRUGS, SIGNED AT GENEVA ON 26 JUNE 1936

In articles 16, 18, 21, 23 and 24, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

For article 17, second paragraph, the following paragraph shall be substituted:

"In case there is no such agreement 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 International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes."

Paragraph 4 of article 18 shall read as follows:

"The Secretary-General shall communicate to all the Members of the United Nations and to the non-member States mentioned in article 20 all declarations and notices received in virtue of this article."

Article 20 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention."

Paragraph 1 of article 21 shall read as follows:

"The present Convention shall be open to accession on behalf of any Member of the United Nations or non-member State mentioned in article 20."

In paragraph 1 of article 24, the words "High Contracting Party" shall be substituted for the words "Member of the League or non-member State".

The second paragraph of article 24 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 20 of any denunciations received."

In paragraph 3 of article 24, the words "High Contracting Parties" shall replace the words "Members of the League or non-member States bound by the present Convention".

Article 25 shall read as follows:

"Request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notice addressed to the Secretary-General of the United Nations. Such notice shall be communicated by the Secretary-General to the other High Contracting Parties 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."

For Afghanistan:

A. HOSAYN AZIZ
Dec. 11, 1946

For Argentina:

JOSÉ ARCE
December 11, 1946

For Australia:

Subject to the approval of the Government of Australia.
NORMAN J. O. MAKIN
December 11, 1946

For the Kingdom of Belgium:

G. KAECKENBEECK
December 11, 1946

For Bolivia:

E. SANJINÉS
December 14, 1946

For Brazil:

P. LEÃO VELLOSO
December 17, 1946

For the Byelorussian Soviet Socialist Republic:

K. KISELEV
December 11, 1946

For Canada:

PAUL MARTIN
11 Dec. 1946

For Chile:

F. NIETO DEL RIO
11 Dec. 1946

For China:

P. C. CHANG
11 December 1946

For Colombia:

ALFONSO LOPEZ
December 11, 1946.

For Costa Rica:

F. DE P. GUTIERREZ
Dec. 11, 1946

For Cuba:

Subject to approval by the Senate of the Republic [translation].
GUILLERMO BELT
December 12, 1946

For Czechoslovakia:

V. CLEMENTIS
11. XII. 1946

For Denmark:

GUSTAV RASMUSSEN
December 11, 1946

For the Dominican Republic:

EMILIO GARCIA GODOY
11 December 1946

For Ecuador:

Subject to approval.
F. ILLESCAS
Dec. 14, 1946

For Egypt:

A. SANHOURY
11 December 1946

For El Salvador:

For Ethiopia:

For France:

ALEXANDRE PARODI
December 11, 1946

For Greece:

V. DENDRAMIS
December 11, 1946

For Guatemala:

JORGE GARCIA GRANADOS
December 13, 1946

- For Haiti:
Ad referendum
HÉRARD C. L. ROY
December 14, 1946
- For Honduras:
TIBURCIO CARIAS, Jr.
December 11, 1946
- For Iceland:
- For India:
M. C. CHAGLA
11th Dec. 1946
- For Iran:
NASROLLAH ENTEZAM
December 11, 1946
- For Iraq:
A. BAKR
December 12, 1946
- For Lebanon:
C. CHAMOUN
December 13, 1946
- For Liberia:
C. ABAYOMI CASSELL
December 11, 1946
- For the Grand Duchy of Luxembourg:
PIERRE ELVINGER
December 11th, 1946
- For Mexico:
LUIS PADILLA NERVO
Dec. 11, 1946
- For the Kingdom of the Netherlands:
E. N. VAN KLEFFENS
December 11, 1946
- For New Zealand:
C. A. BERENDSEN
11th December 1946
- For Nicaragua:
Subject to approval.
G. SEVILLA-SACASA
13 December 1946
- For the Kingdom of Norway:
FINN MOE
December 11th, 1946
- For Panama:
R. J. ALFARO
December 15, 1946
- For Paraguay:
Ad referendum
CÉSAR ROMEO ACOSTA
December 14, 1946
- For Peru:
- For the Philippine Republic:
CARLOS P. ROMULO
December 11, 1946
- For Poland:
DR. S. TUBIASZ
Dec. 11, 1946
- For Saudi Arabia:
AMIR FAISAL AL SAUD
December 11, 1946
- For Sweden:
- For Syria:
F. KHOURI
11/12/1966
- For Turkey:
Only in respect of Conventions to
which Turkey is a Party.
MUZAFFER GOKER
December 11, 1946
- For the Ukrainian Soviet Socialist
Republic:
Subject to approval.
L. MEDVED
December 11, 1946
- For the Union of South Africa:
H. T. ANDREWS
15 December 1946
- For the Union of Soviet Socialist
Republics:
Subject to approval.
N. NOVIKOV
11/XII-1946
- For the United Kingdom of Great
Britain and Northern Ireland:
HARTLEY SHAWCROSS
11. XII. 46
- For the United States of America:
Subject to approval.
WARREN R. AUSTIN
December 11, 1946
- For Uruguay:
Ad referendum
JOSÉ A. MORA
December 14, 1946
- For Venezuela:
Ad referendum
E. STOLK
December 11, 1946
- For Yugoslavia:
STANOJE SIMIĆ
December 11, 1946

EUROPEAN COAL ORGANIZATION

Protocol signed at London December 12, 1946, prolonging the agreement of January 4, 1946

Entered into force January 1, 1947

Expired January 1, 1948

61 Stat. 2847; Treaties and Other
International Acts Series 1615

PROTOCOL FOR THE PROLONGATION OF THE EUROPEAN COAL ORGANISATION AGREEMENT OF 4TH JANUARY, 1946

Whereas Article 10 of the Agreement for the establishment of the European Coal Organisation, signed in London on 4th January, 1946,¹ provides that the Agreement should be for an initial period of one year, and whereas it is the desire of member Governments to prolong its operation, it is agreed as follows:

1. The Agreement shall continue in force as between the signatories of the present Protocol for a further period of one year from 1st January, 1947, subject to the right of any member Government to withdraw from the Agreement after giving, to the Government of the United Kingdom, three months' notice of their intention to withdraw.

2. In the event of a new organisation being constituted on the initiative of the United Nations for the purpose of dealing with problems relating to fuel and power, the parties to this Protocol will consider among themselves what steps should be taken for the transfer of the functions, assets and liabilities, personnel and archives of the European Coal Organisation to the new organisation and for the termination of the Agreement.

3. This Protocol shall remain open for signature until 31st December, 1946.

Done in London the 12th day of December, 1946, in a single copy which shall be deposited with the Government of the United Kingdom and of which certified copies shall be communicated to all signatory Governments.

For the Government of Belgium:
MAX BUYSE

For the Government of Czechoslovakia:
B. MESSANY

¹ TIAS 1508, *ante*, p. 1.

For the Government of Denmark:
ANTHON VESTBIK

For the Government of the French
Republic:
GUERONIK

For the Government of Greece:
B. MOSTRAS

For the Government of Luxembourg:
L. CLASEN

For the Government of the Netherlands:
E. MICHELS VAN VERDUYNEN

For the Government of Norway:
JOHAN MELANDER

For the Government of Poland:
C. ALEXANDROWICZ

For the Government of Sweden:

For the Government of Turkey:
I. ŞADI KAVUR

For the Government of the United King-
dom of Great Britain and Northern
Ireland:
O. G. SARGENT

For the Government of the United
States of America:
W. J. GALLMAN

INTERNATIONAL REFUGEE ORGANIZATION: PREPARATORY COMMISSION

*Agreement opened for signature at Flushing Meadow, N.Y., December 15, 1946, and signed for the United States December 16, 1946
Entered into force December 31, 1946
Terminated September 16, 1948*¹

61 Stat. 2525; Treaties and Other
International Acts Series 1583

AGREEMENT ON INTERIM MEASURES TO BE TAKEN IN RESPECT OF REFUGEES AND DISPLACED PERSONS

The Governments which have signed the Constitution of the International Refugee Organization,

having determined that they will take all measures possible to accomplish expeditiously the entry into effective operation of that Organization, and to provide for an orderly transfer to it of the functions and assets of existing organizations;

having decided that, pending the entry into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties;

Agree to the following measures:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each Government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director-General of UNRRA [United Nations Relief and Rehabilitation Administration] and the Director of the International Labour Organization, or their representatives, shall be invited to sit with the Commission in a consultative capacity.

2. The Commission shall:

(a) take all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;

¹ Upon transfer of its property, assets, and records to the International Refugee Organization (*post*, p. 284).

(b) arrange for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;

(c) prepare the provisional agenda for this first session as well as documents and recommendations relating thereto;

(d) suggest plans, in consultation with existing organizations and the control authorities, for the programme for the first year of the Organization;

(e) prepare draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.

3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.

4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.

5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.

6. The expenses of the Commission may be met by advances from such Governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 of this Agreement.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director-General of the Organization, at which time its property, assets and records shall be transferred to the Organization.

9. This Agreement shall come into force as soon as it has been signed by the representatives of eight Governments signatories to the Constitution of the International Refugee Organization and shall remain open for signature by Members of the United Nations which sign the Constitution of the International Refugee Organization until the Commission is dissolved in accordance with paragraph 8 of this Agreement.

In faith whereof, the undersigned representatives, having been duly authorized for that purpose, sign this Agreement in the Chinese, English, French, Russian and Spanish languages, all five texts being equally authentic.

Done at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six.

- | | |
|---|---|
| For Afghanistan: | For Haiti: |
| For Argentina: | For Honduras:
TIBURCIO CARIAS, JR.
December 18, 1946 |
| For Australia: | For Iceland: |
| For the Kingdom of Belgium: | For India: |
| For Bolivia: | For Iran: |
| For Brazil: | For Iraq: |
| For the Byelorussian Soviet Socialist
Republic: | For Lebanon: |
| For Canada:
PAUL MARTIN
Dec. 16, 1946 | For Liberia:
C. ABAYOMI CASSELL
31 December 1946 |
| For Chile: | For the Grand Duchy of Luxembourg: |
| For China: | For Mexico: |
| For Colombia: | For the Kingdom of the Netherlands: |
| For Costa Rica: | For New Zealand: |
| For Cuba: | For Nicaragua: |
| For Czechoslovakia: | For the Kingdom of Norway: |
| For Denmark: | For Panama: |
| For the Dominican Republic:
EMILIO GARCIA GODOY
December 17, 1946 | For Paraguay: |
| For Ecuador: | For Peru: |
| For Egypt: | For the Philippine Republic:
CARLOS P. ROMULO
December 18, 1946 |
| For El Salvador: | For Poland: |
| For Ethiopia: | For Saudi Arabia: |
| For France:
ALEXANDRE PARODI
December 17, 1946 | For Sweden: |
| For Greece: | For Syria: |
| For Guatemala:
JORGE GARCIA GRANADOS
December 16, 1946 | For Turkey: |
| | For the Ukrainian Soviet Socialist
Republic: |
| | For the Union of South Africa: |
| | For the Union of Soviet Socialist
Republics: |

For the United Kingdom of Great
Britain and Northern Ireland:

For Uruguay:

For the United States of America:

For Venezuela:

WARREN R. AUSTIN
December 16, 1946

For Yugoslavia:

[The agreement was signed for Argentina on June 10, 1947; for Australia on May 13, 1947; for Belgium, ad referendum, on May 1, 1947; for Bolivia, ad referendum, on June 5, 1947; for Brazil on July 1, 1947; for China on April 29, 1947; for Denmark on August 20, 1948; for Iceland on May 12, 1947; for the Netherlands on January 28, 1947; for New Zealand on March 17, 1947; for Norway on February 4, 1947; for Panama on June 23, 1947; for Peru, subject to ratification, on July 25, 1947; for the United Kingdom on February 5, 1947; and for Venezuela, ad referendum, on June 28, 1948.]

INTERNATIONAL REFUGEE ORGANIZATION

Constitution, with annexes, opened for signature at Flushing Meadow, N.Y., December 15, 1946, and signed for the United States, subject to approval, December 16, 1946

Accepted by the United States July 1, 1947, subject to the provisions of a Senate joint resolution of July 1, 1947¹

Acceptance by the United States deposited with the United Nations July 3, 1947

Entered into force August 20, 1948

Terminated December 31, 1951²

62 Stat. 3037; Treaties and Other
International Acts Series 1846

CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

PREAMBLE

The Governments accepting this Constitution,

Recognizing:

that genuine refugees and displaced persons constitute an urgent problem which is international in scope and character;

¹ The opening paragraph of the joint resolution (61 Stat. 214) reads as follows:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the United States in the International Refugee Organization . . . Provided, however, That this authority is granted and the approval of the Congress of the acceptance of membership of the United States in the International Refugee Organization is given upon condition and with the reservation that no agreement shall be concluded on behalf of the United States and no action shall be taken by any officer, agency, or any other person and acceptance of the constitution of the Organization by or on behalf of the Government of the United States shall not constitute or authorize action (1) whereby any person shall be admitted to or settled or resettled in the United States or any of its Territories or possessions without prior approval thereof by the Congress, and this joint resolution shall not be construed as such prior approval, or (2) which will have the effect of abrogating, suspending, modifying, adding to, or superseding any of the immigration laws or any other laws of the United States.”

² The preamble of the IRO constitution specified that it was to be a “non-permanent” organization. In 1951–52 the U.N. High Commissioner for Refugees gradually took over the legal protection of refugees. The Provisional Intergovernmental Committee for the Movement of Migrants from Europe, established in 1951, took over the charters of 12

(Footnote 2 continued on following page)

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin;

that genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution; or in the case of Spanish Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime;

that re-settlement and re-establishment of refugees and displaced persons be contemplated only in cases indicated clearly in the Constitution;

that genuine refugees and displaced persons, until such time as their repatriation or re-settlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness; and

that the expenses of repatriation to the extent practicable should be charged to Germany and Japan for persons displaced by those Powers from countries occupied by them:

Have agreed:

for the accomplishment of the foregoing purposes in the shortest possible time, to establish and do hereby establish, a non-permanent organization to be called the International Refugee Organization, a specialized agency to be brought into relationship with the United Nations, and accordingly

Have accepted the following articles:

ARTICLE I

MANDATE

The mandate of the Organization shall extend to refugees and displaced persons in accordance with the principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution.

ARTICLE 2

FUNCTIONS AND POWERS

1. The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall

ships which had been operated under the auspices of the IRO and received certain funds from that organization to complete the resettlement of refugees ready to emigrate. After the settlement of the liabilities of the IRO, its remaining assets were distributed to public and private organizations which were aiding refugees. Its archives were placed in the custody of the French National Archives.

be: the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I. Such functions shall be exercised with a view:

(a) to encouraging and assisting in every way possible the early return to their country of nationality, or former habitual residence, of those persons who are the concern of the Organization, having regard to the principles laid down in the resolution on refugees and displaced persons adopted by the General Assembly of the United Nations on 12 February 1946 (Annex III) and to the principles set forth in the Preamble, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food for a period of three months from the time of their departure from their present places of residence provided they are returning to a country suffering as a result of enemy occupation during the war, and provided such food shall be distributed under the auspices of the Organization; and the necessary clothing and means of transportation; and

(b) with respect to persons for whom repatriation does not take place under paragraph 1(a) of this article to facilitating:

(i) their re-establishment in countries of temporary residence;

(ii) the emigration to, re-settlement and re-establishment in other countries of individuals or family units; and

(iii) as may be necessary and practicable, within available resources and subject to the relevant financial regulations, the investigation, promotion or execution of projects of group re-settlement or large-scale re-settlement.

(c) with respect to Spanish Republicans to assisting them to establish themselves temporarily until the time when a democratic regime in Spain is established.

2. For the purpose of carrying out its functions, the Organization may engage in all appropriate activities, and to this end, shall have power:

(a) to receive and disburse private and public funds;

(b) as necessary to acquire land and buildings by lease, gift, or in exceptional circumstances only, by purchase; and to hold such land and buildings or to dispose of them by lease, sale or otherwise;

(c) to acquire, hold and convey other necessary property;

(d) to enter into contracts, and undertake obligations; including contracts with Governments or with occupation or control authorities, whereby such authorities would continue, or undertake, in part or in whole, the care and maintenance of refugees and displaced persons in territories under their authority, under the supervision of the Organization;

(e) to conduct negotiations and conclude agreements with Governments;

(f) to consult and co-operate with public and private organizations whenever it is deemed advisable, in so far as such organizations share the purpose of the Organization and observe the principles of the United Nations;

(g) to promote the conclusion of bilateral arrangements for mutual assistance in the repatriation of displaced persons, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III);

(h) to appoint staff, subject to the provisions of Article 9 of this Constitution;

(i) to undertake any project appropriate to the accomplishment of the purposes of this Organization;

(j) to conclude agreements with countries able and willing to receive refugees and displaced persons for the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary; and

(k) in general, to perform any other legal act appropriate to its purposes.

ARTICLE 3

RELATIONSHIP TO THE UNITED NATIONS

The relationship between the Organization and the United Nations shall be established in an agreement between the Organization and the United Nations as provided in Articles 57 and 63 of the Charter of the United Nations.³

ARTICLE 4

MEMBERSHIP

1. Membership in the Organization is open to Members of the United Nations. Membership is also open to any other peace-loving States, not members of the United Nations, upon recommendation of the Executive Committee, by a two-thirds majority vote of members of the General Council present and voting, subject to the conditions of the agreement between the Organization and the United Nations approved pursuant to article 3 of this Constitution.

2. Subject to the provisions of paragraph 1 of this article, the members of the Organization shall be those States whose duly authorized representatives sign this Constitution without reservation as to subsequent acceptance, and those States which deposit with the Secretary-General of the United Nations their instruments of acceptance after their duly authorized representatives have signed this Constitution with such reservation.

3. Subject to the provisions of paragraph 1 of this article, those States, whose representatives have not signed the Constitution referred to in the

³ TS 993, *ante*, vol. 3, pp. 1167 and 1168.

previous paragraph, or which, having signed it, have not deposited the relevant instrument of acceptance within the following six months, may, however, be admitted as members of the Organization in the following cases:

(a) if they undertake to liquidate any outstanding contributions in accordance with the relevant scale; or

(b) if they submit to the Organization a plan for the admission to their territory, as immigrants, refugees or displaced persons in such numbers, and on such settlement conditions as shall, in the opinion of the Organization, require from the applicant State an expenditure or investment equivalent, or approximately equivalent, to the contribution that they would be called upon, in accordance with the relevant scale, to make to the budget of the Organization.

4. Those States which, on signing the Constitution, express their intention to avail themselves of clause (b) of paragraph 3 of this article may submit the plan referred to in that paragraph within the following three months, without prejudice to the presentation within six months of the relevant instrument of acceptance.

5. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

6. Members of the Organization which are expelled from the United Nations shall automatically cease to be members of this Organization.

7. With the approval of the General Assembly of the United Nations, members of the Organization which are not members of the United Nations, and which have persistently violated the principles of the Charter of the United Nations may be suspended from the rights and privileges of the Organization, or expelled from its membership by the General Council.

8. A member of the Organization which has persistently violated the principles contained in the present Constitution, may be suspended from the rights and privileges of the Organization by the General Council, and with the approval of the General Assembly of the United Nations, may be expelled from the Organization.

9. A member of the Organization undertakes to afford its general support to the work of the Organization.

10. Any member may at any time give written notice of withdrawal to the Chairman of the Executive Committee. Such notice shall take effect one year after the date of its receipt by the Chairman of the Executive Committee.

ARTICLE 5

ORGANS

There are established as the principal organs of the Organization: a General Council, an Executive Committee and a Secretariat.

ARTICLE 6

THE GENERAL COUNCIL

1. The ultimate policy-making body of the Organization shall be the General Council in which each member shall have one representative and such alternates and advisers as may be necessary. Each member shall have one vote in the General Council.

2. The General Council shall be convened in regular session not less than once a year by the Executive Committee provided, however, that for three years after the Organization comes into being the General Council shall be convened in regular session not less than twice a year. It may be convened in special session whenever the Executive Committee shall deem necessary; and it shall be convened in special session by the Director-General within thirty days after a request for such a special session is received by the Director-General from one-third of the members of the Council.

3. At the opening meeting of each session of the General Council, the Chairman of the Executive Committee shall preside until the General Council has elected one of its members as Chairman for the session.

4. The General Council shall thereupon proceed to elect from among its members a first Vice-Chairman and a second Vice-Chairman, and such other officers as it may deem necessary.

ARTICLE 7

EXECUTIVE COMMITTEE

1. The Executive Committee shall perform such functions as may be necessary to give effect to the policies of the General Council, and may make, between sessions of the General Council, policy decisions of an emergency nature which it shall pass on to the Director-General, who shall be guided thereby, and shall report to the Executive Committee on the action which he has taken thereon. These decisions shall be subject to reconsideration by the General Council.

2. The Executive Committee of the General Council shall consist of the representatives of nine members of the Organization. Each member of the Executive Committee shall be elected for a two-year term by the General Council at a regular session of the Council. A member may continue to hold office on the Executive Committee during any such period as may intervene between the conclusion of its term of office and the first succeeding meeting of the General Council at which an election takes place. A member shall be at all times eligible for re-election to the Executive Committee. If a vacancy occurs in the membership of the Executive Committee between two sessions of the General Council, the Executive Committee may fill the vacancy by itself appointing another member to hold office until the next meeting of the Council.

3. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members, the terms of office to be determined by the General Council.

4. Meetings of the Executive Committee shall be convened:

(a) at the call of the Chairman, normally twice a month;

(b) whenever any representative of a member of the Executive Committee shall request the convening of a meeting, by a letter addressed to the Director-General, in which case the meeting shall be convened within seven days of the date of the receipt of the request;

(c) in the case of a vacancy occurring in the Chairmanship, the Director-General shall convene a meeting at which the first item on the agenda shall be the election of a Chairman.

5. The Executive Committee may, in order to investigate the situation in the field, either as a body or through a delegation of its members, visit camps, hostels or assembly points within the control of the Organization, and may give instructions to the Director-General in consequence of the reports of such visits.

6. The Executive Committee shall receive the reports of the Director-General as provided in paragraph 6 of article 8 of this Constitution, and, after consideration thereof, shall request the Director-General to transmit these reports to the General Council with such comments as the Executive Committee may consider appropriate. These reports and such comments shall be transmitted to all members of the General Council before its next regular session and shall be published. The Executive Committee may request the Director-General to submit such further reports as may be deemed necessary.

ARTICLE 8

ADMINISTRATION

1. The chief administrative officer of the Organization shall be the Director-General. He shall be responsible to the General Council and the Executive Committee and shall carry out the administrative and executive functions of the Organization in accordance with the decisions of the General Council and the Executive Committee, and shall report on the action taken thereon.

2. The Director-General shall be nominated by the Executive Committee and appointed by the General Council. If no person acceptable to the General Council is nominated by the Executive Committee, the General Council may proceed to appoint a person who has not been nominated by the Committee. When a vacancy occurs in the office of the Director-General the Executive Committee may appoint an Acting Director-General to assume all the duties and functions of the office until a Director-General can be appointed by the General Council.

3. The Director-General shall serve under a contract which shall be signed on behalf of the Organization by the Chairman of the Executive Committee and it shall be a clause of such contract that six months' notice of termination can be given on either side. In exceptional circumstances, the Executive Committee, subject to subsequent confirmation by the General Council, has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members if, in the Committee's opinion, his conduct is such as to warrant such action.

4. The staff of the Organization shall be appointed by the Director-General under regulations to be established by the General Council.

5. The Director-General shall be present, or be represented by one of his subordinate officers, at all meetings of the General Council, or the Executive Committee and of all other committees and sub-committees. He or his representatives may participate in any such meeting but shall have no vote.

6. (a) The Director-General shall prepare at the end of each half-year period a report on the work of the Organization. The report prepared at the end of each alternate period of six months shall relate to the work of the Organization during the preceding year and shall give a full account of the activities of the Organization during that period. These reports shall be submitted to the Executive Committee for consideration, and thereafter shall be transmitted to the General Council together with any comments of the Executive Committee thereon, as provided by paragraph 6 of article 7 of this Constitution.

(b) At every special session of the General Council the Director-General shall present a statement of the work of the Organization since the last meeting.

ARTICLE 9

STAFF

1. 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. A further consideration in the employment of the staff shall be adherence to the principles laid down in the present Constitution. Due regard shall be paid to the importance of recruiting staff on an appropriate geographical basis, and of employing an adequate number of persons from the countries of origin of the displaced persons.

2. No person shall be employed by the Organization who is excluded under Part II, other than paragraph 5, of Annex I to this Constitution, from becoming the concern of the Organization.

3. In the performance of their duties, the Director-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. Each member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 10

FINANCE

1. The Director-General shall submit, through the Executive Committee, to the General Council an annual budget, covering the necessary administrative, operational and large-scale re-settlement expenditures of the Organization, and from time to time such supplementary budgets as may be required. The Executive Committee shall transmit the budget to the General Council with any remarks it may deem appropriate. Upon final approval of a budget by the General Council, the total under each of these three headings—to wit, “administrative”, “operational” and “large-scale re-settlement”—shall be allocated to the members in proportions for each heading to be determined from time to time by a two-thirds majority vote of the members of the General Council present and voting.

2. Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in kind or in such currency as may be provided for in a decision by the General Council, having regard to currencies in which the anticipated expenditure of the Organization will be effected from time to time, regardless of the currency in which the budget is expressed.

3. Each member undertakes to contribute to the Organization its share of the administrative expenses as determined and allocated under paragraphs 1 and 2 of this article.

4. Each member shall contribute to the operational expenditures—except for large-scale re-settlement expenditures—as determined and allocated under paragraphs 1 and 2 of this article, subject to the requirements of the constitutional procedure of such members. The members undertake to contribute to the large-scale re-settlement expenditures on a voluntary basis and subject to the requirements of their constitutional procedure.

5. A member of the Organization, which, after the expiration of a period of three months following the date of the coming into force of this Constitution, has not paid its financial contribution to the Organization for the first financial year, shall have no vote in the General Council or the Executive Committee until such contribution has been paid.

6. Subject to the provisions of paragraph 5 of this article, a member of the Organization which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Council or the Executive Committee if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding one full year.

7. The General Council may, nevertheless, permit such members to vote if it is satisfied that the failure to pay is due to conditions beyond the control of such members.

8. The administrative budget of the Organization shall be submitted annually to the General Assembly of the United Nations for such review and recommendation as the General Assembly may deem appropriate. The agreement under which the Organization shall be brought into relationship with the United Nations under article 3 of this Constitution may provide, *inter alia*, for the approval of the administrative budget of the Organization by the General Assembly of the United Nations.

9. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 of this article, 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 members shall be in the proportions set forth in Annex II to this Constitution.

ARTICLE 11

HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris or at Geneva, as the General Council shall decide, and all meetings of the General Council and the Executive Committee shall be held at this headquarters, unless a majority of the members of the General Council or the Executive Committee have agreed, at a previous meeting or by correspondence with the Director-General to meet elsewhere.

2. The Executive Committee may establish such regional and other offices and representations as may be necessary.

3. All offices and representations shall be established only with the consent of the Government in authority in the place of establishment.

ARTICLE 12

PROCEDURE

1. The General Council shall adopt its own rules of procedure, following in general, the rules of procedure of the Economic and Social Council of the United Nations, wherever appropriate, and with such modifications as the General Council shall deem desirable. The Executive Committee shall regulate its own procedure subject to any decisions of the General Council in respect thereto.

2. Unless otherwise provided in the Constitution or by action of the General Council, motions shall be carried by simple majority of the members present and voting in the General Council and the Executive Committee.

ARTICLE 13

STATUS, IMMUNITIES AND PRIVILEGES

1. 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 fulfilment of its objectives.

2. (a) The Organization shall enjoy in the territory of each of its members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its objectives.

(b) Representatives of members, officials and administrative personnel 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. Such legal status, privileges and immunities shall be defined in an agreement to be prepared by the Organization after consultation with the Secretary-General of the United Nations. The agreement shall be open to accession by all members and shall continue in force as between the Organization and every member which accedes to the agreement.

ARTICLE 14

RELATIONS WITH OTHER ORGANIZATIONS

1. Subject to the provisions of the agreement to be negotiated with the United Nations, pursuant to article 3 of this Constitution, the Organization may establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume all or part of the functions, and acquire all or part of the resources, assets and liabilities of any inter-governmental organization or agency, the purposes and functions of which lie within the scope of the Organization. Such action may be taken either through mutually acceptable arrangements with the competent authorities of such organizations or agencies, or pursuant to authority conferred upon the Organization by international convention or agreement.

ARTICLE 15

RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION OF REFUGEES
AND DISPLACED PERSONS

The relationship of the Organization with the Governments or administrations of countries in which displaced persons or refugees are located, and the conditions under which it will operate in such countries, shall be determined by agreements to be negotiated by it with such Governments or administrations in accordance with the terms of this Constitution.

ARTICLE 16

AMENDMENT OF CONSTITUTION

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to members at least three months in advance of their consideration by the General Council. Amendments shall come into effect when adopted by a two-thirds majority of the members of the General Council present and voting and accepted by two-thirds of the members in accordance with their respective constitutional processes, provided, however, that amendments involving new obligations for members shall come into force in respect of each member only on acceptance by it.

ARTICLE 17

INTERPRETATION

1. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

2. Subject to Article 96 of the Charter of the United Nations and of Chapter II of the Statute of the International Court of Justice,⁴ any question or dispute concerning the interpretation or application of this Constitution shall be referred to the International Court of Justice, unless the General Council or the parties to such dispute agree to another mode of settlement.

ARTICLE 18

ENTRY INTO FORCE

1. (a) States may become parties to this Constitution by:

- (i) signature without reservation as to approval;
- (ii) signature subject to approval followed by acceptance;
- (iii) acceptance.

(b) acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

2. This Constitution shall come into force when at least fifteen States, whose required contributions to Part I of the operational budget as set forth in Annex II of this Constitution amount to not less than seventy-five per cent of the total thereof, have become parties to it.

3. In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution, when it has been signed, without reservation as to approval, on behalf of one State or upon deposit of the first instrument of acceptance.

4. The Secretary-General of the United Nations will inform States parties to this Constitution, of the date when it has come into force; he will also

⁴ TS 993, *ante*, vol. 3, pp. 1175 and 1186.

inform them of the dates when other States have become parties to this Constitution.

In faith whereof the undersigned, duly authorized for that purpose, have signed this Constitution.

Done at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six, in a single copy in the Chinese, English, French, Russian and Spanish languages. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies of the texts to each of the signatory Governments and, upon the coming into force of the Constitution and the election of a Director-General, to the Director-General of the Organization.

ANNEX I

DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II of this Annex.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III).

(c) As laid down in the resolution adopted by the Economic and Social Council on 16 February 1946,⁵ no international assistance should be given to traitors, quislings and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants.

⁵ For text, see U.N. Economic and Social Council, *Official Records, First year, First Session*, pp. 99-103.

(f) On the other hand it should equally be the concern of the Organization to ensure that no *bona fide* and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows, some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

PART I

Refugees and displaced persons within the meaning of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946.

SECTION A—DEFINITION OF REFUGEES

1. Subject to the provisions of sections C and D and of Part II of this Annex, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

(a) victims of the nazi or fascist regimes or of regimes which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(c) persons who were considered refugees before the outbreak of the second world war, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in section B of this Annex, who is outside of his country of nationality

or former habitual residence, and who, as a result of events subsequent to the outbreak of the second world war, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of section D and of Part II of this Annex, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of nazi persecution and were detained in, or were obliged to flee from, and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible priority assistance, including, normally, assistance in repatriation in the case of those whose nationality can be determined.

SECTION B—DEFINITION OF DISPLACED PERSONS

The term "displaced person" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, section A, paragraph 1 (*a*) of this Annex has been deported from, or has been obliged to leave his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with article 2, paragraph 1 (*a*) of this Constitution, and subject to the provision of paragraph (*c*), sub-paragraphs (ii) and (iii) of the General Assembly resolution of 12 February 1946 regarding the problem of refugees (Annex III).

SECTION C—CONDITIONS UNDER WHICH "REFUGEES" AND "DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in section A, paragraphs 1 (*b*) and 3 of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they have definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.

(a) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations;

(ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a)⁶ of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.

(iii) in the case of persons falling within the category mentioned in section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(b) The following shall normally be considered "adequate information": information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the Governments of these countries, who shall be given every facility for visiting camps and assembly centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A paragraph 1 (b) of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in paragraph 1 (a) of this section.

SECTION D—CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

(a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or

(b) when they have acquired a new nationality; or

(c) when they have, in the determination of the Organization become otherwise firmly established; or

(d) when they have unreasonably refused to accept the proposals of the Organization for their re-settlement or repatriation; or

⁶ Paragraph 8 (a): "In answering the representative of Belgium, the Chairman stated that it was implied that the international body would judge what were, or what were not, 'valid objections'; and that such objections clearly might be of a political nature." [Footnote in original.]

(e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

PART II

Persons who will not be the concern of the Organization.

1. War criminals, quislings and traitors.
2. Any other persons who can be shown:
 - (a) to have assisted the enemy in persecuting civil populations of countries, Members of the United Nations; or
 - (b) to have voluntarily assisted the enemy forces since the outbreak of the second world war in their operations against the United Nations.⁷
3. Ordinary criminals who are extraditable by treaty.
4. Persons of German ethnic origin, whether German nationals or members of German minorities in other countries, who:
 - (a) have been or may be transferred to Germany from other countries;
 - (b) have been, during the second world war, evacuated from Germany to other countries;
 - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the second world war:
 - (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations; or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;
 - (b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;
 - (c) at the time of application for assistance, are in the military or civil service of a foreign State.

⁷ Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute "voluntary assistance." Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them. [Footnote in original.]

ANNEX II

BUDGET AND CONTRIBUTIONS FOR THE FIRST FINANCIAL YEAR

1. The provisional budget for the first financial year shall be the sum of 4,800,000 United States dollars for administrative expenses, and a sum of 151,060,500 United States dollars for operational expenses (except for large-scale re-settlement expenses), and a sum of 5,000,000 United States dollars for large-scale re-settlement expenses. Any unspent balance under these headings shall be carried over to the corresponding heading as a credit in the budget of the next financial year.

2. These sums, (except for large-scale re-settlement expenses), shall be contributed by the members in the following proportions:

A—FOR ADMINISTRATIVE EXPENSES

<i>Country</i>	<i>Percentage</i>	<i>Country</i>	<i>Percentage</i>
Afghanistan	0.05	Iraq	0.17
Argentina	1.85	Lebanon	0.06
Australia	1.97	Liberia	0.04
Belgium	1.35	Luxembourg	0.05
Bolivia	0.08	Mexico	0.63
Brazil	1.85	Netherlands	1.40
Byelorussian Soviet Socialist Re- public	0.22	New Zealand	0.50
Canada	3.20	Nicaragua	0.04
Chile	0.45	Norway	0.50
China	6.00	Panama	0.05
Colombia	0.37	Paraguay	0.04
Costa Rica	0.04	Peru	0.20
Cuba	0.29	Philippine Republic	0.29
Czechoslovakia	0.90	Poland	0.95
Denmark	0.79	Saudi Arabia	0.08
Dominican Republic	0.05	Sweden	2.35
Ecuador	0.05	Syria	0.12
Egypt	0.79	Turkey	0.91
El Salvador	0.05	Ukrainian Soviet Socialist Republic	0.84
Ethiopia	0.08	Union of South Africa	1.12
France	6.00	Union of Soviet Socialist Republics	6.34
Greece	0.17	United Kingdom	11.48
Guatemala	0.05	United States of America	39.89
Haiti	0.04	Uruguay	0.18
Honduras	0.04	Venezuela	0.27
Iceland	0.04	Yugoslavia	0.33
India	3.95		
Iran	0.45		100.00

B—FOR OPERATIONAL EXPENSES (EXCEPT FOR LARGE-SCALE RESETTLEMENT)

<i>Country</i>	<i>Percentage</i>	<i>Country</i>	<i>Percentage</i>
Afghanistan	0.03	Costa Rica	0.02
Argentina	1.50	Cuba	0.24
Australia	1.76	Czechoslovakia	0.80
Belgium	1.00	Denmark	0.68
Bolivia	0.07	Dominican Republic	0.04
Brazil	1.50	Ecuador	0.04
Byelorussian Soviet Socialist Re- public	0.16	Egypt	0.68
Canada	3.50	El Salvador	0.03
Chile	0.39	Ethiopia	0.07
China	2.50	France	4.10
Colombia	0.32	Greece	0.15
		Guatemala	0.04

<i>Country</i>	<i>Percentage</i>	<i>Country</i>	<i>Percentage</i>
Haiti	0. 02	Poland	0. 61
Honduras	0. 02	Saudi Arabia	0. 07
Iceland	0. 02	Sweden	2. 20
India	3. 66	Syria	0. 10
Iran	0. 39	Turkey	0. 88
Iraq	0. 15	Ukrainian Soviet Socialist Re-	
Lebanon	0. 05	public	0. 62
Liberia	0. 02	Union of South Africa	1. 00
Luxembourg	0. 04	Union of Soviet Socialist Re-	
Mexico	0. 54	publics	4. 69
Netherlands	0. 90	United Kingdom	14. 75
New Zealand	0. 44	United States of America	45. 75
Nicaragua	0. 02	Uruguay	0. 15
Norway	0. 44	Venezuela	0. 23
Panama	0. 04	Yugoslavia	0. 23
Paraguay	0. 02	New Members	1. 92
Peru	0. 17		
Philippines	0. 24		100. 00

3. Contributions to large-scale re-settlement expenses shall be governed by the provisions of article 10, paragraph 4 of this Constitution.

ANNEX III

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 12 FEBRUARY 1946

(document A/45)

The General Assembly,

Recognizing that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons on the one hand, and the war criminals, quislings and traitors referred to in paragraph (d) below, on the other:

(a) decides to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the agenda for the first session of the Council and for report to the second part of the first session of the General Assembly;

(b) recommends to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a); and

(c) recommends to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) this problem is international in scope and nature;

(ii) no refugees or displaced persons who have finally and definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body

may be recognized or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the Government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (c) (ii) above;

(d) considers that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements;

(e) considers that Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this declaration in so far as their situation may be decided by Allied forces of occupation in Germany, in agreement with the Governments of the respective countries.

For Afghanistan:

For Argentina:

For Australia:

For the Kingdom of Belgium:

For Bolivia:

For Brazil:

For the Byelorussian Soviet Socialist Republic:

For Canada:
Subject to approval.
PAUL MARTIN
Dec. 16, 1946

For Chile:

For China:

For Colombia:

For Costa Rica:

For Cuba:

For Czechoslovakia:

For Denmark:

For the Dominican Republic:

Signed subject to its ratification by
the Congress of the Dominican
Republic [translation].
EMILIO GARCIA GODOY
December 17, 1946

For Ecuador:

For Egypt:

For El Salvador:

For Ethiopia:

For France:
Subject to approval [translation].
ALEXANDRE PARODI
December 17, 1946

For Greece:

For Guatemala:
Signed ad referendum [translation].
JORGE GARCIA GRANADOS
December 16, 1946

For Haiti:

For Honduras:
Ad referendum.
TIBURCIO CARIAS, JR.
December 18, 1946

For Iceland:

For India:	For Poland:
For Iran:	For Saudi Arabia:
For Iraq:	For Sweden:
For Lebanon:	For Syria:
For Liberia: Subject to ratification. C. ABAYOMI CASSELL December 31, 1946	For Turkey:
For the Grand Duchy of Luxembourg:	For the Ukrainian Soviet Socialist Republic:
For Mexico:	For the Union of South Africa:
For the Kingdom of the Netherlands:	For the Union of Soviet Socialist Republics:
For New Zealand:	For the United Kingdom of Great Britain and Northern Ireland:
For Nicaragua:	For the United States of America: Subject to approval. WARREN R. AUSTIN December 16, 1946
For the Kingdom of Norway:	For Uruguay:
For Panama:	For Venezuela:
For Paraguay:	For Yugoslavia:
For Peru:	
For the Philippine Republic: Subject to approval. CARLOS P. ROMULO December 18, 1946	

[The constitution was signed for Australia on May 13, 1947; for Belgium, subject to approval, on May 1, 1947; for Bolivia, subject to approval, on June 5, 1947; for Brazil, ad referendum, on July 1, 1947; for China on April 29, 1947; for Denmark on August 20, 1948; for Iceland on May 12, 1947; for Italy on March 24, 1949; for the Netherlands, subject to ratification, on January 28, 1947; for New Zealand on March 17, 1947; for Norway, subject to ratification, on February 4, 1947; for Panama, subject to ratification, on June 23, 1947; for Peru, subject to approval, on July 25, 1947; for the United Kingdom on February 5, 1947; and for Venezuela, ad referendum and with a statement, on June 4, 1948.]

SOUTH PACIFIC COMMISSION

Agreement signed at Canberra February 6, 1947, with appended resolution of South Seas Conference concerning immediate projects

Accepted by the United States January 28, 1948

Acceptance by the United States deposited at Canberra February 16, 1948

Entered into force July 29, 1948

Amended by agreements of November 7, 1951,¹ April 5, 1954,² and October 6, 1964³

[For text, see 2 UST 1787; TIAS 2317.]

¹ 3 UST 2851; TIAS 2458.

² 5 UST 639; TIAS 2952.

³ 16 UST 1055; TIAS 5845.

DISPOSAL OF EXCESS UNITS OF ITALIAN FLEET AND RETURN BY SOVIET UNION OF WARSHIPS ON LOAN

*Protocol signed at Paris February 10, 1947, with annex
Entered into force February 10, 1947*

61 Stat. 3846; Treaties and Other
International Acts Series 1733

PROTOCOL ON THE ESTABLISHMENT OF A FOUR POWER NAVAL COMMISSION,
THE DISPOSAL OF EXCESS UNITS OF THE ITALIAN FLEET, AND THE RE-
TURN BY THE SOVIET UNION OF WARSHIPS ON LOAN

PART I

Whereas the Treaty of Peace with Italy¹ provides that all the excess units of the Italian Fleet, as listed in Annex XII B of the said Treaty, shall be placed at the disposal of the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and of France;

And whereas it is necessary to make provision for the final disposal among certain Allied and Associated Powers of the said excess units;

The Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and of France have therefore agreed as follows:

1. The excess units of the Italian Fleet as listed in Annex XII B of the Treaty of Peace with Italy, and as finally verified on 1st January 1947, shall be allocated as set out in the Annex of this Protocol. No modification of the list of ships in Annex XII B will be accepted, irrespective of the date of any damage to or loss of such ships, the Italian Government being held responsible for the security and maintenance of such excess units up to the time at which each transfer is completed.

2. Upon transfer by the Italian Government, the vessels concerned shall respectively vest in full ownership in the States hereby becoming entitled thereto, subject to the following exceptions:

(a) The Governments of the Soviet Union and of France take note: that the Governments of the United Kingdom and of the United States of America

¹ TIAS 1648; *post*, p. 311.

have undertaken to meet, at least in part, and out of the tonnage at their disposal, the claims of certain other Powers for Italian naval vessels; furthermore, that in regard to any such Italian naval vessels as the Government of the United States of America may elect to transfer to other Powers, the Government of the United States of America will accept temporary custody only, and, upon transfer of custody by the United States Government to any such Power, full ownership will pass from the Italian Government to that Power.

(b) None of the Governments concerned shall be obliged to accept any ship assigned to it under this Protocol if such Government deems the ship unsuitable for its purpose, but in that case the Four Powers shall ensure that such ship, unless it is an auxiliary naval vessel, be scrapped or sunk by the Italian Government within nine months from the coming into force of the Treaty [September 15, 1947].

3. A Commission, to be known as the Four Power Naval Commission, shall be set up, to meet for the first time immediately after the signature both of the Treaty of Peace with Italy and of this Protocol. This Commission shall make all detailed arrangements necessary to effect the transfer of the excess units of the Italian Fleet, together with their spare parts and armament stores, to the beneficiary Powers, in conformity with the naval clauses of the said Treaty.

4. By invitation of the French Government, the Commission will meet in Paris, where it will operate under the authority of the Council of Foreign Ministers, and carry out all preliminary work practicable prior to the coming into force of the Treaty.

5. Upon the coming into force of the Treaty, the Commission will move to Rome, where it will operate under the authority of the Ambassadors of the Soviet Union, the United Kingdom, the United States of America and of France.

6. All orders and instructions by the Commission shall be issued in the name of the Four Ambassadors, and shall be communicated by them to the Italian Government for execution.

7. The Commission shall have the right to co-opt the services of representatives of Greece, Yugoslavia and Albania, when matters affecting these States are under discussion, and to call for such Italian representation as may be found necessary to the execution of the work of the Commission.

8. The Annex to this Protocol will be published at a later date.

PART II

And whereas, by agreement between the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, certain warships of the Royal Navy and of the United States Navy were, in 1944, transferred on loan to the Government of the Soviet Union;

And whereas it is necessary to make provision for the return to the Governments of the United Kingdom and of the United States of America of the aforementioned warships now on loan;

The Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America have further agreed as follows:

9. The representatives of the abovementioned three Governments on the Commission shall coordinate the arrangements for the return to the Governments of the United States of America and of the United Kingdom of the vessels on loan to the Government of the Soviet Union, as listed in paragraph 10 below. The return of such vessels to United Kingdom and United States ports shall, as far as possible, be effected simultaneously with the transfer to the Soviet Union of the excess units of the Italian Fleet allocated to her.

10. List of Vessels on Loan from the United Kingdom

	<i>British Name</i>	<i>Temporary Russian Name</i>
<u>Battleship</u>	ROYAL SOVEREIGN	ARCHANGELSK
<u>Destroyers</u>	ST ALBANS	DOSTOINY
	BRIGHTON	ZHARKY
	RICHMOND	ZHYVUCHY
	CHELSEA	DERZKY
	LEAMINGTON	ZHGUCHY
	ROXBURGH	DOBLESTNY
	GEORGETOWN	ZHOSTKY
<u>Submarines</u>	UNBROKEN	B.2
	UNISON	B.3
	URSULA	B.4

Vessel on Loan from the United States

	<i>United States Name</i>	<i>Temporary Russian Name</i>
<u>Cruiser</u>	MILWAUKEE	MURMANSK

In faith whereof the Undersigned Plenipotentiaries have signed the present Protocol, which will take effect immediately, the English, French and Russian texts being equally authentic.

Done in Paris this 10th day of February 1947.

For the Government of the Union of
Soviet Socialist Republics:

A. BOGOMOLOV [SEAL]

For the Government of the United King-
dom of Great Britain and North-
ern Ireland:

DUFF COOPER [SEAL]

For the Government of the United States
of America:

JEFFERSON CAFFERY [SEAL]

For the Government of France:

G. BIDAULT [SEAL]

ANNEX

ALLOCATION OF UNITS OF THE ITALIAN FLEET SPECIFIED IN ANNEX XII B OF THE TREATY OF PEACE WITH ITALY

Type	Union of Soviet Socialist Republics	United Kingdom of Great Britain and Northern Ireland	United States of America	France	Greece	Yugoslavia	Albania
Battleships	GIULIO CESARE	VITTORIO VENETO	ITALIA				
Cruisers	EMANUELE FILIBERTO DUCA D'AOSTA			ATTILIO REGOLO POMPEIO MAGNO SCIPIONE AFRICANO	EUGENIO DI SAVOIA		
Sloop				ERITREA			
Destroyers	ARTIGLIERE FUCILIERE AUGUSTO RIBOTY			LEGIONARIO MITRAGLIERE ALFREDO ORIANI VELITE			
Torpedo boats	ANIMOSO ARDIMENTOSO FORTUNALE					ALISEO ARIETE INDOMITO	
Submarines	MAREA NICHELIO	ALAGI ATROPO	DANDOLO PLATINO	GIADA VORTICE			
Motor torpedo boats	MS. Nos. 52, 53, 61, 65, 75 MAS. Nos. 516, 519, 520, 521 ME. No. 40	MS. Nos. 72, 73, 74 MAS. Nos. 433, 434, 510, 514 ME. No. 41	MS. Nos. 11, 24, 31 MAS. Nos. 523, 538, 547, 562 ME. No. 38	MS. Nos. 35, 54, 55 MAS. Nos. 540, 543, 545			
Gunboat							ILLYRIA
Minesweepers						RD. Nos. 6, 16, 21, 25, 27, 28, 29	
Vedettes	VAS. Nos. 245, 246, 248			VAS. Nos. 237, 240, 241			
Landing Craft	MZ. Nos. 778, 780, 781	MZ. Nos. 784, 800, 831	MZ. Nos. 744, 758, 776	MZ. Nos. 722, 726, 728, 729, 737		MZ. Nos. 713, 717	
Tankers	STIGE		PROMETEO	TARVISIO URANO			

ANNEX

ALLOCATION OF UNITS OF THE ITALIAN FLEET SPECIFIED IN ANNEX XII B
OF THE TREATY OF PEACE WITH ITALY—Continued

Type	Union of Soviet Socialist Republics	United Kingdom of Great Britain and Northern Ireland	United States of America	France	Greece	Yugoslavia	Albania
Water Carriers	BASENTO ISTRIA LIRI POLCEVERA	METAURO TIMAVO	DALMAZIA IDRIA	ANAPO BISAGNO SPRUGOLA TIRSO	ATERO	ISARCO	
Depot Ship		ANTEO					
Training Ship	CRISTOFORO CO- LONBO						
Auxiliary Mine- layer		FASANA					
Transports	MONTECUCCO	GIUSEPPE MES- SINA		PANIGAGLIA			
Tugs (Large)	CAPO d'ISTRIA LAMPEDUSA PORTO ADRIANO RAPALLO SAN ANGELO TALAMONE TIFFO VIGOROSO	CARBONARA LISCANERA MESCO PROCIDA SALVORE SAN ANTIOCO	ARSACHENA CEFALU GAETA MARECHIARO PORTO TORRES TEULADA	ERCOLE LIPARI NEREO PORTO QUIETO PORTO TRICASE PROMONTORE TAORMINA VADO		BASILUZZO MOLARA PORTO CONTE SAN REMO	
Tugs (Small)	N. Nos. 35, 37, 80, 94	N. Nos. 2, 3, 24	GENERALE VALFRE NOLI VOLOSCA	LICATA N. Nos. 23, 28, 36			

TREATY OF PEACE WITH ITALY

Treaty, with annexes, signed at Paris February 10, 1947
Senate advice and consent to ratification June 5, 1947
Ratified by the President of the United States June 14, 1947
Ratification of the United States deposited at Paris September 15, 1947
Entered into force September 15, 1947
*Proclaimed by the President of the United States September 15, 1947*¹
Declaration by the United States, France, and the United Kingdom
*regarding the treaty September 26, 1951*²
Release of Italy from certain of its obligations to the United States
effected by exchange of notes at Washington December 8 and 21,
*1951*³

61 Stat. 1245; Treaties and Other
International Acts Series 1648

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, China, France, Australia, Belgium, the Byelorussian Soviet Socialist Republic, Brazil, Canada, Czechoslovakia, Ethiopia, Greece, India, the Netherlands, New Zealand, Poland, the Ukrainian Soviet Socialist Republic, the Union of South Africa, and the People's Federal Republic of Yugoslavia, hereinafter referred to as "the Allied and Associated Powers", of the one part,

and Italy, of the other part:

Whereas Italy under the Fascist regime became a party to the Tripartite Pact with Germany and Japan, undertook a war of aggression and thereby provoked a state of war with all the Allied and Associated Powers and with other United Nations, and bears her share of responsibility for the war; and

Whereas in consequence of the victories of the Allied forces, and with the assistance of the democratic elements of the Italian people, the Fascist

¹ In his proclamation the President also said, ". . . I . . . do hereby proclaim that the state of war between the United States of America and Italy terminated on September 15, 1947."

² 3 UST 2873; TIAS 2461.

³ 3 UST 2869; TIAS 2461.

regime in Italy was overthrown on July 25, 1943, and Italy, having surrendered unconditionally, signed terms of Armistice on September 3 and 29 of the same year; ⁴ and

Whereas after the said Armistice Italian armed forces, both of the Government and of the Resistance Movement, took an active part in the war against Germany, and Italy declared war on Germany as from October 13, 1943, and thereby became a co-belligerent against Germany; and

Whereas the Allied and Associated Powers and Italy are desirous of concluding a treaty of peace which, in conformity with the principles of justice, will settle questions still outstanding as a result of the events hereinbefore recited and will form the basis of friendly relations between them, thereby enabling the Allied and Associated Powers to support Italy's application to become a member of the United Nations and also to adhere to any convention concluded under the auspices of the United Nations;

Have therefore agreed to declare the cessation of the state of war and for this purpose to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

PART I

TERRITORIAL CLAUSES

Section I—Frontiers

ARTICLE 1

The frontiers of Italy shall, subject to the modifications set out in Articles 2, 3, 4, 11 and 22, be those which existed on January 1, 1938. These frontiers are traced on the maps attached to the present Treaty (Annex I).⁵ In case of a discrepancy between the textual description of the frontiers and the maps, the text shall be deemed to be authentic.

ARTICLE 2

The frontier between Italy and France, as it existed on January 1, 1938, shall be modified as follows:

1. *Little St. Bernard Pass*

The frontier shall follow the watershed, leaving the present frontier at a point about 2 kilometers northwest of the Hospice, crossing the road about

⁴ TIAS 1604, *ante*, vol. 3, pp. 769 and 775.

⁵ This annex comprises 23 separate large-scale maps. The copies of the maps as received with the certified copy of the treaty are deposited with the treaty in the archives of the Department of State, where they are available for reference.

1 kilometer northeast of the Hospice and rejoining the present frontier about 2 kilometers southeast of the Hospice.

2. *Mont Cenis Plateau*

The frontier shall leave the present frontier about 3 kilometers northwest of the summit of Rochemelon, cross the road about 4 kilometers southeast of the Hospice and rejoin the present frontier about 4 kilometers northeast of Mount d'Ambin.

3. *Mont Thabor-Chaberton*

(a) In the Mont Thabor area, the frontier shall leave the present frontier about 5 kilometers to the east of Mont Thabor and run southeastward to rejoin the present frontier about 3 kilometers west of the Pointe de Charra.

(b) In the Chaberton area, the frontier shall leave the present frontier about 3 kilometers north-northwest of Chaberton, which it skirts on the east, and shall cross the road about 1 kilometer from the present frontier, which it rejoins about 2 kilometers southeast of the village of Montgenevre.

4. *Upper Valleys of the Tinée, Vesubie and Roya*

The frontier shall leave the present frontier at Colla Longa, shall follow along the watershed by way of Mont Clapier, Col de Tenda, Mont Marguareis, whence it shall run southward by way of Mont Saccarello, Mont Vacchi, Mont Pietravecchia, Mont Lega and shall reach a point approximately 100 meters from the present frontier near Colla Pegairolle, about 5 kilometers to the northeast of Breil; it then shall run in a southwesterly direction, and shall rejoin the existing frontier approximately 100 meters southwest of Mont Mergo.

5. The detailed description of those sections of the frontier to which the modifications set out in paragraphs 1, 2, 3 and 4 above apply, is contained in Annex II to the present Treaty and the maps to which this description refers form part of Annex I.

ARTICLE 3

The frontier between Italy and Yugoslavia shall be fixed as follows:

(i) The new frontier follows a line starting from the junction of the frontiers of Austria, Italy and Yugoslavia as they existed on January 1, 1938, and proceeding southward along the 1938 frontier between Yugoslavia and Italy to the junction of that frontier with the administrative boundary between the Italian provinces of Friuli (Udine) and Gorizia;

(ii) From this point the line coincides with the said administrative boundary up to a point approximately 0.5 kilometer north of the village of Mernico in the valley of the Iudrio;

(iii) Leaving the administrative boundary between the Italian provinces of Friuli and Gorizia at this point, the line extends eastward to a point ap-

proximately 0.5 kilometer west of the village of Vercoglia di Cosbana and thence southward between the valleys of the Quarnizzo and the Cosbana to a point approximately 1 kilometer southwest of the village of Fleana, bending so as to cut the river Recca at a point approximately 1.5 kilometers east of the Iudrio and leaving on the east the road from Cosbana via Nebola to Castel Dobra;

(*iv*) The line then continues to the southeast passing due south of the road between points 111 and 172, then south of the road from Vipulzano to Uclanzi passing points 57 and 122, then crossing the latter road about 100 meters east of point 122 and curving north in the direction of a point situated 350 meters southeast of point 266;

(*v*) Passing about 0.5 kilometer north of the village of San Floriano, the line extends eastward to Monte Sabotino (point 610), leaving to the north the village of Poggio San Valentino;

(*vi*) From Monte Sabotino the line extends southward, crosses the Isonzo (Soca) river at the town of Salcano, which it leaves in Yugoslavia, and runs immediately to the west of the railway line from Canale d'Isonzo to Montespino to a point about 750 meters south of the Gorizia-Aisovizza road;

(*vii*) Departing from the railway, the line then bends southwest leaving in Yugoslavia the town of San Pietro and in Italy the Hospice and the road bordering it and, some 700 meters from the station of Gorizia S. Marco, crosses the railway connection between the above railway and the Sagrado-Cormons railway, skirts the Gorizia cemetery, which is left in Italy, passes between Highway No. 55 from Gorizia to Trieste, which highway is left in Italy, and the crossroads at point 54, leaving in Yugoslavia the towns of Vertoiba and Merna, and reaches a point located approximately at point 49;

(*viii*) Thence the line continues in a southerly direction across the Karst plateau, approximately 1 kilometer east of Highway No. 55, leaving on the east the village of Opacchiasella and on the west the village of Iamiano;

(*ix*) From a point approximately 1 kilometer east of Iamiano, the line follows the administrative boundary between the provinces of Gorizia and Trieste as far as a point approximately 2 kilometers northeast of the village of San Giovanni and approximately 0.5 kilometer northwest of point 208, forming the junction of the frontiers of Yugoslavia, Italy and the Free Territory of Trieste.

The map to which this description refers forms part of Annex I.

ARTICLE 4

The frontier between Italy and the Free Territory of Trieste shall be fixed as follows:

(*i*) The line starts from a point on the administrative boundary between the provinces of Gorizia and Trieste approximately 2 kilometers northeast of the village of San Giovanni and approximately 0.5 kilometer northwest of

point 208, forming the junction of the frontiers of Yugoslavia, Italy and the Free Territory of Trieste, and runs southwestward to a point adjacent to Highway No. 14 and approximately 1 kilometer northwest of the junction between Highways Nos. 55 and 14, respectively running from Gorizia and Monfalcone to Trieste;

(ii) The line then extends in a southerly direction to a point, in the Gulf of Panzano, equidistant from Punta Sdobba at the mouth of the Isonzo (Soca) river and Castello Vecchio at Duino, about 3.3 kilometers south from the point where it departs from the coastline approximately 2 kilometers northwest of the town of Duino;

(iii) The line then reaches the high seas by following a line placed equidistant from the coastlines of Italy and the Free Territory of Trieste.

The map to which this description refers forms part of Annex I.

ARTICLE 5

1. The exact line of the new frontiers laid down in Articles 2, 3, 4 and 22 of the present Treaty shall be determined on the spot by Boundary Commissions composed of the representatives of the two Governments concerned.

2. The Commissions shall begin their work immediately on the coming into force of the present Treaty, and shall complete it as soon as possible and in any case within a period of six months.

3. Any questions which the commissions are unable to agree upon will be referred to the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France, acting as provided in Article 86, for final settlement by such methods as they may determine, including, where necessary, the appointment of an impartial third Commissioner.

4. The expenses of the Boundary Commissions will be borne in equal parts by the two Governments concerned.

5. For the purpose of determining on the spot the exact frontier laid down in Articles 3, 4 and 22, the Commissioners shall be allowed to depart by 0.5 kilometer from the line laid down in the present Treaty in order to adjust the frontier to local geographical and economic conditions, provided that no village or town of more than 500 inhabitants, no important railroads or highways, and no major power or water supplies are placed under a sovereignty other than that resulting from the delimitations laid down in the present Treaty.

Section II—France (Special Clauses)

ARTICLE 6

Italy hereby cedes to France in full sovereignty the former Italian territory situated on the French side of the Franco-Italian frontier defined in Article 2.

ARTICLE 7

The Italian Government shall hand over to the French Government all archives, historical and administrative, prior to 1860, which concern the territory ceded to France under the Treaty of March 24, 1860, and the Convention of August 23, 1860.

ARTICLE 8

1. The Italian Government shall co-operate with the French Government for the possible establishment of a railway connection between Briançon and Modane, via Bardonnèche.

2. The Italian Government shall authorize, free of customs duty and inspection, passport and other such formalities, the passenger and freight railway traffic travelling on the connection thus established, through Italian territory, from one point to another in France, in both directions; and shall take all necessary measures to ensure that the French trains using the said connection are allowed, under the same conditions, to pass duty free and without unjustifiable delay.

3. The necessary arrangements shall be concluded in due course between the two Governments.

ARTICLE 9

1. *Plateau of Mont Cenis*

In order to secure to Italy the same facilities as Italy enjoyed in respect of hydro-electric power and water supply from the Lake of Mont Cenis before cession of this district to France, the latter shall give Italy under a bilateral agreement the technical guarantees set out in Annex III.

2. *The Tenda-Briga District*

In order that Italy shall not suffer any diminution in the supplies of electric power which Italy has drawn from sources existing in the Tenda-Briga district before its cession to France, the latter shall give Italy under a bilateral agreement the technical guarantees set out in Annex III.

Section III—Austria (Special Clauses)

ARTICLE 10

1. Italy shall enter into or confirm arrangements with Austria to guarantee free movement of passenger and freight traffic between the North and East Tyrol.

2. The Allied and Associated Powers have taken note of the provisions (the text of which is contained in Annex IV) agreed upon by the Austrian and Italian Governments on September 5, 1946.

Section IV—People's Federal Republic of Yugoslavia (Special Clauses)

ARTICLE 11

1. Italy hereby cedes to Yugoslavia in full sovereignty the territory situated between the new frontiers of Yugoslavia as defined in Articles 3 and 22 and the Italo-Yugoslav frontier as it existed on January 1, 1938, as well as the commune of Zara and all islands and adjacent islets lying within the following areas:

(a) The area bounded:

On the north by the parallel of $42^{\circ} 50' N.$;

On the south by the parallel of $42^{\circ} 42' N.$;

On the east by the meridian of $17^{\circ} 10' E.$;

On the west by the meridian of $16^{\circ} 25' E.$;

(b) The area bounded:

On the north by a line passing through the Porto del Quieto, equidistant from the coastline of the Free Territory of Trieste and Yugoslavia, and thence to the point $45^{\circ} 15' N., 13^{\circ} 24' E.$;

On the south by the parallel $44^{\circ} 23' N.$;

On the west by a line connecting the following points:

1) $45^{\circ} 15' N. — 13^{\circ} 24' E.$;

2) $44^{\circ} 51' N. — 13^{\circ} 37' E.$;

3) $44^{\circ} 23' N. — 14^{\circ} 18'30'' E.$

On the east by the west coast of Istria, the islands and the mainland of Yugoslavia.

A chart of these areas is contained in Annex I.

2. Italy hereby cedes to Yugoslavia in full sovereignty the island of Pelagosa and the adjacent islets.

The island of Pelagosa shall remain demilitarised.

Italian fishermen shall enjoy the same rights in Pelagosa and the surrounding waters as were there enjoyed by Yugoslav fishermen prior to April 6, 1941.

ARTICLE 12

1. Italy shall restore to Yugoslavia all objects of artistic, historical, scientific, educational or religious character (including all deeds, manuscripts, documents and bibliographical material) as well as administrative archives (files, registers, plans and documents of any kind) which, as the result of the Italian occupation, were removed between November 4, 1918, and March 2, 1924, from the territories ceded to Yugoslavia under the treaties signed in Rapallo on November 12, 1920, and in Rome on January 27, 1924. Italy shall also restore all objects belonging to those territories and falling into the above

categories, removed by the Italian Armistice Mission which operated in Vienna after the first World War.

2. Italy shall deliver to Yugoslavia all objects having juridically the character of public property and coming within the categories in paragraph 1 of the present Article, removed since November 4, 1918, from the territory which under the present Treaty is ceded to Yugoslavia, and those connected with the said territory which Italy received from Austria or Hungary under the Peace Treaties signed in St. Germain on September 10, 1919, and in the Trianon on June 4, 1920, and under the convention between Austria and Italy, signed in Vienna on May 4, 1920.

3. If, in particular cases, Italy is unable to restore or hand over to Yugoslavia the objects coming under paragraphs 1 and 2 of this Article, Italy shall hand over to Yugoslavia objects of the same kind as, and of approximately equivalent value to, the objects removed, in so far as such objects are obtainable in Italy.

ARTICLE 13

The water supply for Gorizia and its vicinity shall be regulated in accordance with the provisions of Annex V.

Section V—Greece (Special Clause)

ARTICLE 14

1. Italy hereby cedes to Greece in full sovereignty the Dodecanese Islands indicated hereafter, namely Stampalia (Astropalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), Cos (Kos) and Castellorizo, as well as the adjacent islets.

2. These islands shall be and shall remain demilitarised.

3. The procedure and the technical conditions governing the transfer of these islands to Greece will be determined by agreement between the Governments of the United Kingdom and Greece and arrangements shall be made for the withdrawal of foreign troops not later than 90 days from the coming into force of the present Treaty.

PART II

POLITICAL CLAUSES

Section I—General Clauses

ARTICLE 15

Italy shall take all measures necessary to secure to all persons under Italian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom

of expression, of press and publication, of religious worship, of political opinion and of public meeting.

ARTICLE 16

Italy shall not prosecute or molest Italian nationals, including members of the armed forces, solely on the ground that during the period from June 10, 1940, to the coming into force of the present Treaty, they expressed sympathy with or took action in support of the cause of the Allied and Associated Powers.

ARTICLE 17

Italy, which, in accordance with Article 30 of the Armistice Agreement, has taken measures to dissolve the Fascist organizations in Italy, shall not permit the resurgence on Italian territory of such organizations, whether political, military or semi-military, whose purpose it is to deprive the people of their democratic rights.

ARTICLE 18

Italy undertakes to recognize the full force of the Treaties of Peace with Roumania, Bulgaria, Hungary and Finland and other agreements or arrangements which have been or will be reached by the Allied and Associated Powers in respect of Austria, Germany and Japan for the restoration of peace.

Section II—Nationality. Civil and Political Rights

ARTICLE 19

1. Italian citizens who were domiciled on June 10, 1940, in territory transferred by Italy to another State under the present Treaty, and their children born after that date, shall, except as provided in the following paragraph, become citizens with full civil and political rights of the State to which the territory is transferred, in accordance with legislation to that effect to be introduced by that State within three months from the coming into force of the present Treaty. Upon becoming citizens of the State concerned they shall lose their Italian citizenship.

2. The Government of the State to which the territory is transferred shall, by appropriate legislation within three months from the coming into force of the present Treaty, provide that all persons referred to in paragraph 1 over the age of eighteen years (or married persons whether under or over that age) whose customary language is Italian, shall be entitled to opt for Italian citizenship within a period of one year from the coming into force of the present Treaty. Any person so opting shall retain Italian citizenship and shall not be considered to have acquired the citizenship of the State to which the territory is transferred. The option of the husband shall not constitute an option on the part of the wife. Option on the part of the father, or,

if the father is not alive, on the part of the mother, shall, however, automatically include all unmarried children under the age of eighteen years.

3. The State to which the territory is transferred may require those who take advantage of the option to move to Italy within a year from the date when the option was exercised.

4. The State to which the territory is transferred shall, in accordance with its fundamental laws, secure to all persons within the territory, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

ARTICLE 20

1. Within a period of one year from the coming into force of the present Treaty, Italian citizens over 18 years of age (or married persons whether under or over that age), whose customary language is one of the Yugoslav languages (Serb, Croat or Slovene), and who are domiciled on Italian territory may, upon filing a request with a Yugoslav diplomatic or consular representative in Italy, acquire Yugoslav nationality if the Yugoslav authorities accept their request.

2. In such cases, the Yugoslav Government will communicate to the Italian Government through the diplomatic channel lists of the persons who have thus acquired Yugoslav nationality. The persons mentioned in such lists will lose their Italian nationality on the date of such official communication.

3. The Italian Government may require such persons to transfer their residence to Yugoslavia within a period of one year from the date of such official communication.

4. For the purposes of this Article, the rules relating to the effect of options on wives and on children, set forth in Article 19, paragraph 2, shall apply.

5. The provisions of Annex XIV, paragraph 10 of the present Treaty, applying to the transfer of properties belonging to persons who opt for Italian nationality, shall equally apply to the transfer of properties belonging to persons who opt for Yugoslav nationality under this Article.

Section III—Free Territory of Trieste

ARTICLE 21

1. There is hereby constituted the Free Territory of Trieste, consisting of the area lying between the Adriatic Sea and the boundaries defined in Articles 4 and 22 of the present Treaty. The Free Territory of Trieste is recognized by the Allied and Associated Powers and by Italy, which agree that its integrity and independence shall be assured by the Security Council of the United Nations.

2. Italian sovereignty over the area constituting the Free Territory of Trieste, as above defined, shall be terminated upon the coming into force of the present Treaty.

3. On the termination of Italian sovereignty, the Free Territory of Trieste shall be governed in accordance with an instrument for a provisional regime drafted by the Council of Foreign Ministers and approved by the Security Council. This Instrument shall remain in force until such date as the Security Council shall fix for the coming into force of the Permanent Statute which shall have been approved by it. The Free Territory shall thenceforth be governed by the provisions of such Permanent Statute. The texts of the Permanent Statute and of the Instrument for the Provisional Regime are contained in Annexes VI and VII.

4. The Free Territory of Trieste shall not be considered as ceded territory within the meaning of Article 19 and Annex XIV of the present Treaty.

5. Italy and Yugoslavia undertake to give to the Free Territory of Trieste the guarantees set out in Annex IX.

ARTICLE 22

The frontier between Yugoslavia and the Free Territory of Trieste shall be fixed as follows:

(i) The line starts from a point on the administrative boundary between the provinces of Gorizia and Trieste, approximately 2 kilometers northeast of the village of San Giovanni and approximately 0.5 kilometer northwest of point 208, forming the junction of the frontiers of Yugoslavia, Italy and the Free Territory of Trieste, and follows this administrative boundary as far as Monte Lanaro (point 546); thence it extends southeastward as far as Monte Cocusso (point 672) through point 461, Meducia (point 475), Monte dei Pini (point 476) and point 407, crossing Highway No. 58, from Trieste to Sesana, about 3.3 kilometers to the southwest of this town, and leaving the villages of Vogliano and Orle to the east, and at approximately 0.4 kilometer to the west, the village of Zolla.

(ii) From Monte Cocusso, the line, continuing southeastward leaving the village of Grozzana to the west, reaches Monte Goli (point 621), then turning southwestward, crosses the road from Trieste to Cosina at point 455 and the railway at point 485, passes by points 416 and 326, leaving the villages of Beca and Castel in Yugoslav territory, crosses the road from Osopo to Gabrovizza d'Istria about 100 meters to the southeast of Osopo; then crosses the river Risana and the road from Villa Decani to Risano at a point about 350 meters west of the latter village, the village of Rosario and the road from Risano to San Sergio being left in Yugoslav territory; from this point the line proceeds as far as the cross roads situated about 1 kilometer northeastward of point 362, passing by points 285 and 354.

(iii) Thence, the line runs as far as a point about 0.5 kilometer east of the village of Cernova, crossing the river Dragogna about 1 kilometer north of this village, leaving the villages of Bucciai and Truscòlo to the west and the village of Tersecco to the east, [and] it then runs southwestward to the southeast of the road connecting the villages of Cernova and Chervoi, leaving this road 0.8 kilometer to the east of the village of Cucciani; it then runs in a general south-southwesterly direction, passing about 0.4 kilometer east of Monte Braico and at about 0.4 kilometer west of the village of Sterna Filària, leaving the road running from this village to Piemonte to the east, passing about 0.4 kilometer west of the town of Piemonte and about 0.5 kilometer east of the town of Castagna and reaching the river Quieto at a point approximately 1.6 kilometer southwest of the town of Castagna.

(iv) Thence the line follows the main improved channel of the Quieto to its mouth, passing through Porto del Quieto to the high seas by following a line placed equidistant from the coastlines of the Free Territory of Trieste and Yugoslavia.

The map to which this description refers forms part of Annex I.

Section IV—Italian Colonies

ARTICLE 23

1. Italy renounces all right and title to the Italian territorial possessions in Africa, i.e. Libya, Eritrea and Italian Somaliland.

2. Pending their final disposal, the said possessions shall continue under their present administration.

3. The final disposal of these possessions shall be determined jointly by the Governments of the Soviet Union, of the United Kingdom, of the United States of America, and of France within one year from the coming into force of the present Treaty, in the manner laid down in the joint declaration of February 10, 1947, issued by the said Governments, which is reproduced in Annex XI.

Section V—Special Interests of China

ARTICLE 24

Italy renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901,⁶ and all annexes, notes and documents supplementary thereto, and agrees to the abrogation in respect of Italy of the said protocol, annexes, notes and documents. Italy likewise renounces any claim thereunder to an indemnity.

⁶ TS 397, *ante*, vol. 1, p. 302.

ARTICLE 25

Italy agrees to the cancellation of the lease from the Chinese Government under which the Italian Concession at Tientsin was granted, and to the transfer to the Chinese Government of any property and archives belonging to the municipality of the said Concession.

ARTICLE 26

Italy renounces in favour of China the rights accorded to Italy in relation to the International Settlements at Shanghai and Amoy, and agrees to the reversion of the said Settlements to the administration and control of the Chinese Government.

Section VI—Albania

ARTICLE 27

Italy recognises and undertakes to respect the sovereignty and independence of the State of Albania.

ARTICLE 28

Italy recognises that the Island of Saseno is part of the territory of Albania and renounces all claims thereto.

ARTICLE 29

Italy formally renounces in favour of Albania all property (apart from normal diplomatic or consular premises), rights, concessions, interests and advantages of all kinds in Albania, belonging to the Italian State or Italian parastatal institutions. Italy likewise renounces all claims to special interests or influence in Albania, acquired as a result of the aggression of April 7, 1939, or under treaties or agreements concluded before that date.

The economic clauses of the present Treaty, applicable to the Allied and Associated Powers, shall apply to other Italian property and other economic relations between Albania and Italy.

ARTICLE 30

Italian nationals in Albania will enjoy the same juridical status as other foreign nationals, but Italy recognises the legality of all Albanian measures annulling or modifying concessions or special rights granted to Italian nationals provided that such measures are taken within a year from the coming into force of the present Treaty.

ARTICLE 31

Italy recognises that all agreements and arrangements made between Italy and the authorities installed in Albania by Italy from April 7, 1939, to September 3, 1943, are null and void.

ARTICLE 32

Italy recognises the legality of any measures which Albania may consider necessary to take in order to confirm or give effect to the preceding provisions.

Section VII—Ethiopia

ARTICLE 33

Italy recognises and undertakes to respect the sovereignty and independence of the State of Ethiopia.

ARTICLE 34

Italy formally renounces in favour of Ethiopia all property (apart from normal diplomatic or consular premises), rights, interests and advantages of all kinds acquired at any time in Ethiopia by the Italian State, as well as all para-statal property as defined in paragraph 1 of Annex XIV of the present Treaty.

Italy also renounces all claims to special interests or influence in Ethiopia.

ARTICLE 35

Italy recognises the legality of all measures which the Government of Ethiopia has taken or may hereafter take in order to annul Italian measures respecting Ethiopia taken after October 3, 1935, and the effects of such measures.

ARTICLE 36

Italian nationals in Ethiopia will enjoy the same juridical status as other foreign nationals, but Italy recognises the legality of all measures of the Ethiopian Government annulling or modifying concessions or special rights granted to Italian nationals, provided such measures are taken within a year from the coming into force of the present Treaty.

ARTICLE 37

Within eighteen months from the coming into force of the present Treaty, Italy shall restore all works of art, religious objects, archives and objects of historical value belonging to Ethiopia or its nationals and removed from Ethiopia to Italy since October 3, 1935.

ARTICLE 38

The date from which the provisions of the present Treaty shall become applicable as regards all measures and acts of any kind whatsoever entailing the responsibility of Italy or of Italian nationals towards Ethiopia, shall be held to be October 3, 1935.

Section VIII—International Agreements

ARTICLE 39

Italy undertakes to accept any arrangements which have been or may be agreed for the liquidation of the League of Nations, the Permanent Court of International Justice and also the International Financial Commission in Greece.

ARTICLE 40

Italy hereby renounces all rights, titles and claims deriving from the mandate system or from any undertakings given in connection therewith, and all special rights of the Italian State in respect of any mandated territory.

ARTICLE 41

Italy recognises the provisions of the Final Act of August 31, 1945, and of the Franco-British Agreement of the same date on the Statute of Tangier, as well as all provisions which may be adopted by the Signatory Powers for carrying out these instruments.

ARTICLE 42

Italy shall accept and recognise any arrangements which may be made by the Allied and Associated Powers concerned for the modification of the Congo Basin Treaties with a view to bringing them into accord with the Charter of the United Nations.

ARTICLE 43

Italy hereby renounces any rights and interests she may possess by virtue of Article 16 of the Treaty of Lausanne signed on July 24, 1923.

Section IX—Bilateral Treaties

ARTICLE 44

1. Each Allied or Associated Power will notify Italy, within a period of six months from the coming into force of the present Treaty, which of its pre-war bilateral treaties with Italy it desires to keep in force or revive.⁷ Any provisions not in conformity with the present Treaty shall, however, be deleted from the above-mentioned treaties.

2. All such treaties so notified shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.⁸

3. All such treaties not so notified shall be regarded as abrogated.

⁷ For text of note from the American Ambassador at Rome to the Minister of Foreign Affairs dated Feb. 6, 1948, giving such notification, see *Department of State Bulletin*, Feb. 22, 1948, p. 248.

⁸ TS 993, *ante*, vol. 3, p. 1176.

PART III
WAR CRIMINALS

ARTICLE 45

1. Italy shall take all necessary steps to ensure the apprehension and surrender for trial of:

(a) Persons accused of having committed, ordered or abetted war crimes and crimes against peace or humanity;

(b) Nationals of any Allied or Associated Power accused of having violated their national law by treason or collaboration with the enemy during the war.

2. At the request of the United Nations Government concerned, Italy shall likewise make available as witnesses persons within its jurisdiction, whose evidence is required for the trial of the persons referred to in paragraph 1 of this Article.

3. Any disagreement concerning the application of the provisions of paragraphs 1 and 2 of this Article shall be referred by any of the Governments concerned to the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France, who will reach agreement with regard to the difficulty.

PART IV
NAVAL, MILITARY AND AIR CLAUSES

Section I—Duration of Application

ARTICLE 46

Each of the military, naval and air clauses of the present Treaty shall remain in force until modified in whole or in part by agreement between the Allied and Associated Powers and Italy or, after Italy becomes a member of the United Nations, by agreement between the Security Council and Italy.

Section II—General Limitations

ARTICLE 47

1. (a) The system of permanent Italian fortifications and military installations along the Franco-Italian frontier, and their armaments, shall be destroyed or removed.

(b) This system is deemed to comprise only artillery and infantry fortifications whether in groups or separated, pillboxes of any type, protected accommodation for personnel, stores and ammunition, observation posts and military cableways, whatever may be their importance and actual condition of maintenance or state of construction, which are constructed of metal, masonry or concrete or excavated in the rock.

2. The destruction or removal, mentioned in paragraph 1 above, is limited to a distance of 20 kilometers from any point on the frontier as defined by the present Treaty, and shall be completed within one year from the coming into force of the Treaty.

3. Any reconstruction of the above-mentioned fortifications and installations is prohibited.

4. (a) The following construction to the east of the Franco-Italian frontier is prohibited: permanent fortifications where weapons capable of firing into French territory or territorial waters can be emplaced; permanent military installations capable of being used to conduct or direct fire into French territory or territorial waters; and permanent supply and storage facilities emplaced solely for the use of the above-mentioned fortifications and installations.

(b) This prohibition does not include other types of non-permanent fortifications or surface accommodations and installations which are designed to meet only requirements of an internal character and of local defence of the frontiers.

5. In a coastal area 15 kilometers deep, stretching from the Franco-Italian frontier to the meridian of $9^{\circ} 30' E.$, Italy shall not establish any new, nor expand any existing, naval bases or permanent naval installations. This does not prohibit minor alterations to, nor the maintenance in good repair of, existing naval installations provided that their overall capacity will not thereby be increased.

ARTICLE 48

1. (a) Any permanent Italian fortifications and military installations along the Italo-Yugoslav frontier, and their armaments, shall be destroyed or removed.

(b) These fortifications and installations are deemed to comprise only artillery and infantry fortifications whether in groups or separated, pillboxes of any type, protected accommodation for personnel, stores and ammunition, observation posts and military cableways, whatever may be their importance and actual condition of maintenance or state of construction, which are constructed of metal, masonry or concrete or excavated in the rock.

2. The destruction or removal, mentioned in paragraph 1 above, is limited to a distance of 20 kilometers from any point on the frontier, as defined by the present Treaty, and shall be completed within one year from the coming into force of the Treaty.

3. Any reconstruction of the above-mentioned fortifications and installations is prohibited.

4. (a) The following construction to the west of the Italo-Yugoslav frontier is prohibited: permanent fortifications where weapons capable of firing into Yugoslav territory or territorial waters can be emplaced; permanent military installations capable of being used to conduct or direct fire into

Yugoslav territory or territorial waters; and permanent supply and storage facilities emplaced solely for the use of the above-mentioned fortifications and installations.

(b) This prohibition does not include other types of non-permanent fortifications or surface accommodations and installations which are designed to meet only requirements of an internal character and of local defence of the frontiers.

5. In a coastal area 15 kilometers deep, stretching from the frontier between Italy and Yugoslavia and between Italy and the Free Territory of Trieste to the latitude of $44^{\circ} 50' N.$ and in the islands adjacent to this coast, Italy shall not establish any new, nor expand any existing, naval bases or permanent naval installations. This does not prohibit minor alterations to, nor the maintenance in good repair of, existing naval installations and bases provided that their overall capacity will not thereby be increased.

6. In the Apulian Peninsula east of longitude $17^{\circ} 45' E.,$ Italy shall not construct any new permanent military, naval or military air installations nor expand existing installations. This does not prohibit minor alterations to, nor the maintenance in good repair of, existing installations provided that their overall capacity will not thereby be increased. Accommodation for such security forces as may be required for tasks of an internal character and local defence of frontiers will, however, be permitted.

ARTICLE 49

1. Pantellaria, the Pelagian Islands (Lampedusa, Lampione and Linosa) and Pianosa (in the Adriatic) shall be and shall remain demilitarised.

2. Such demilitarisation shall be completed within one year from the coming into force of the present Treaty.

ARTICLE 50

1. In Sardinia all permanent coast defence artillery emplacements and their armaments and all naval installations which are located within a distance of 30 kilometers from French territorial waters shall be removed to the mainland of Italy or demolished within one year from the coming into force of the present Treaty.

2. In Sicily and Sardinia all permanent installations and equipment for the maintenance and storage of torpedoes, sea mines and bombs shall be demolished or removed to the mainland of Italy within one year from the coming into force of the present Treaty.

3. No improvements to, reconstruction of, or extensions of existing installations or permanent fortifications in Sicily and Sardinia shall be permitted; however, with the exception of the northern Sardinia areas described in paragraph 1 above, normal maintenance of such installations or permanent fortifications and weapons already installed in them may take place.

4. In Sicily and Sardinia Italy shall be prohibited from constructing any naval, military and air force installations or fortifications except for such accommodation for security forces as may be required for tasks of an internal character.

ARTICLE 51

Italy shall not possess, construct or experiment with (i) any atomic weapon, (ii) any self-propelled or guided missiles or apparatus connected with their discharge (other than torpedoes and torpedo-launching gear comprising the normal armament of naval vessels permitted by the present Treaty), (iii) any guns with a range of over 30 kilometers, (iv) sea mines or torpedoes of non-contact types actuated by influence mechanisms, (v) any torpedoes capable of being manned.

ARTICLE 52

The acquisition of war material of German or Japanese origin or design, either from inside or outside Italy, or its manufacture, is prohibited to Italy.

ARTICLE 53

Italy shall not manufacture or possess, either publicly or privately, any war material different in type from, or exceeding in quantity, that required for the forces permitted in Sections III, IV and V below.

ARTICLE 54

The total number of heavy and medium tanks in the Italian armed forces shall not exceed 200.

ARTICLE 55

In no case shall any officer or non-commissioned officer of the former Fascist Militia or of the former Fascist Republican Army be permitted to hold officer's or non-commissioned officer's rank in the Italian Navy, Army, Air Force or Carabinieri, with the exception of such persons as shall have been exonerated by the appropriate body in accordance with Italian law.

Section III—Limitation of the Italian Navy

ARTICLE 56

1. The present Italian Fleet shall be reduced to the units listed in Annex XII A.

2. Additional units not listed in Annex XII and employed only for the specific purpose of minesweeping, may continue to be employed until the end of the mine clearance period as shall be determined by the International Central Board for Mine Clearance of European Waters.

3. Within two months from the end of the said period, such of these vessels as are on loan to the Italian Navy from other Powers shall be returned to

those Powers, and all other additional units shall be disarmed and converted to civilian use.

ARTICLE 57

1. Italy shall effect the following disposal of the units of the Italian Navy specified in Annex XII B:

(a) The said units shall be placed at the disposal of the Governments of the Soviet Union, of the United Kingdom, of the United States of America, and of France;

(b) Naval vessels required to be transferred in compliance with subparagraph (a) above shall be fully equipped, in operational condition including a full outfit of armament stores, and complete with on-board spare parts and all necessary technical data;

(c) The transfer of the naval vessels mentioned above shall be effected within three months from the coming into force of the present Treaty, except that, in the case of naval vessels that cannot be refitted within three months, the time limit for the transfer may be extended by the Four Governments;

(d) Reserve allowance of spare parts and armament stores for the naval vessels mentioned above shall, as far as possible, be supplied with the vessels.

The balance of reserve spare parts and armament stores shall be supplied to an extent and at dates to be decided by the Four Governments, in any case within a maximum of one year from the coming into force of the present Treaty.

2. Details relating to the above transfers will be arranged by a Four Power Commission to be established under a separate protocol.⁹

3. In the event of loss or damage, from whatever cause, to any of the vessels in Annex XII B scheduled for transfer, and which cannot be made good by the agreed date for transfer of the vessel or vessels concerned, Italy undertakes to replace such vessel or vessels by equivalent tonnage from the list in Annex XII A, the actual vessel or vessels to be substituted being selected by the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France.

ARTICLE 58

1. Italy shall effect the following disposal of submarines and nonoperational naval vessels. The time limits specified below shall be taken as commencing with the coming into force of the present Treaty.

(a) Surface naval vessels afloat not listed in Annex XII, including naval vessels under construction afloat, shall be destroyed or scrapped for metal within nine months.

⁹ TIAS 1733, *ante*, p. 306.

(b) Naval vessels under construction on slips shall be destroyed or scrapped for metal within nine months.

(c) Submarines afloat and not listed in Annex XII B shall be sunk in the open sea in a depth of over 100 fathoms within three months.

(d) Naval vessels sunk in Italian harbours and approach channels, in obstruction of normal shipping, shall, within two years, either be destroyed on the spot or salvaged and subsequently destroyed or scrapped for metal.

(e) Naval vessels sunk in shallow Italian waters not in obstruction of normal shipping shall within one year be rendered incapable of salvage.

(f) Naval vessels capable of reconversion which do not come within the definition of war material, and which are not listed in Annex XII, may be reconverted to civilian uses or are to be demolished within two years.

2. Italy undertakes, prior to the sinking or destruction of naval vessels and submarines as provided for in the preceding paragraph, to salvage such equipment and spare parts as may be useful in completing the on-board and reserve allowances of spare parts and equipment to be supplied, in accordance with Article 57, paragraph 1, for all ships specified in Annex XII B.

3. Under the supervision of the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France, Italy may also salvage such equipment and spare parts of a non-warlike character as are readily adaptable for use in Italian civil economy.

ARTICLE 59

1. No battleship shall be constructed, acquired or replaced by Italy.

2. No aircraft carrier, submarine or other submersible craft, motor torpedo boat or specialised types of assault craft shall be constructed, acquired, employed or experimented with by Italy.

3. The total standard displacement of the war vessels, other than battleships, of the Italian Navy, including vessels under construction after the date of launching, shall not exceed 67,500 tons.

4. Any replacement of war vessels by Italy shall be effected within the limit of tonnage given in paragraph 3. There shall be no restriction on the replacement of auxiliary vessels.

5. Italy undertakes not to acquire or lay down any war vessels before January 1, 1950, except as necessary to replace any vessel, other than a battleship, accidentally lost, in which case the displacement of the new vessel is not to exceed by more than ten per cent the displacement of the vessel lost.

6. The terms used in this Article are, for the purposes of the present Treaty, defined in Annex XIII A.

ARTICLE 60

1. The total personnel of the Italian Navy, excluding any naval air personnel, shall not exceed 25,000 officers and men.

2. During the mine clearance period as determined by the International Central Board for Mine Clearance of European Waters, Italy shall be authorized to employ for this purpose an additional number of officers and men not to exceed 2,500.

3. Permanent naval personnel in excess of that permitted under paragraph 1 shall be progressively reduced as follows, time limits being taken as commencing with the coming into force of the present Treaty:

- (a) To 30,000 within six months;
- (b) To 25,000 within nine months.

Two months after the completion of minesweeping by the Italian Navy, the excess personnel authorized by paragraph 2 is to be disbanded or absorbed within the above numbers.

4. Personnel, other than those authorized under paragraphs 1 and 2, and other than any naval air personnel authorized under Article 65, shall not receive any form of naval training as defined in Annex XIII B.

Section IV—Limitation of the Italian Army

ARTICLE 61

The Italian Army, including the Frontier Guards, shall be limited to a force of 185,000 combat, service and overhead personnel and 65,000 Carabinieri, though either of the above elements may be varied by 10,000 as long as the total ceiling does not exceed 250,000. The organisation and armament of the Italian ground forces, as well as their deployment throughout Italy, shall be designed to meet only tasks of an internal character, local defence of Italian frontiers and anti-aircraft defence.

ARTICLE 62

The Italian Army, in excess of that permitted under Article 61 above, shall be disbanded within six months from the coming into force of the present Treaty.

ARTICLE 63

Personnel other than those forming part of the Italian Army or Carabinieri shall not receive any form of military training as defined in Annex XIII B.

Section V—Limitation of the Italian Air Force

ARTICLE 64

1. The Italian Air Force, including any naval air arm, shall be limited to a force of 200 fighter and reconnaissance aircraft and 150 transport, air-sea rescue, training (school type) and liaison aircraft. These totals include reserve aircraft. All aircraft except for fighter and reconnaissance aircraft shall be

unarmed. The organisation and armament of the Italian Air Force as well as their deployment throughout Italy shall be designed to meet only tasks of an internal character, local defence of Italian frontiers and defence against air attack.

2. Italy shall not possess or acquire any aircraft designed primarily as bombers with internal bomb-carrying facilities.

ARTICLE 65

1. The personnel of the Italian Air Force, including any naval air personnel, shall be limited to a total of 25,000 effectives, which shall include combat, service and overhead personnel.

2. Personnel other than those forming part of the Italian Air Force shall not receive any form of military air training as defined in Annex XIII B.

ARTICLE 66

The Italian Air Force, in excess of that permitted under Article 65 above, shall be disbanded within six months from the coming into force of the present Treaty.

Section VI—Disposal of War Material (as defined in Annex XIII C)

ARTICLE 67

1. All Italian war material in excess of that permitted for the armed forces specified in Sections III, IV and V shall be placed at the disposal of the Governments of the Soviet Union, of the United Kingdom, of the United States of America, and of France, according to such instructions as they may give to Italy.

2. All Allied war material in excess of that permitted for the armed forces specified in Sections III, IV and V shall be placed at the disposal of the Allied or Associated Power concerned according to the instructions to be given to Italy by the Allied or Associated Power concerned.

3. All German and Japanese war material in excess of that permitted for the armed forces specified in Sections III, IV and V, and all German or Japanese drawings, including existing blueprints, prototypes, experimental models and plans, shall be placed at the disposal of the Four Governments in accordance with such instructions as they may give to Italy.

4. Italy shall renounce all rights to the above-mentioned war material and shall comply with the provisions of this Article within one year from the coming into force of the present Treaty except as provided for in Articles 56 to 58 thereof.

5. Italy shall furnish to the Four Governments lists of all excess war material within six months from the coming into force of the present Treaty.

Section VII—Prevention of German and Japanese Rearmament

ARTICLE 68

Italy undertakes to co-operate fully with the Allied and Associated Powers with a view to ensuring that Germany and Japan are unable to take steps outside German and Japanese territories towards rearmament.

ARTICLE 69

Italy undertakes not to permit the employment or training in Italy of any technicians, including military or civil aviation personnel, who are or have been nationals of Germany or Japan.

ARTICLE 70

Italy undertakes not to acquire or manufacture civil aircraft which are of German or Japanese design or which embody major assemblies of German or Japanese manufacture or design.

Section VIII—Prisoners of War

ARTICLE 71

1. Italian prisoners of war shall be repatriated as soon as possible in accordance with arrangements agreed upon by the individual Powers detaining them and Italy.

2. All costs, including maintenance costs, incurred in moving Italian prisoners of war from their respective assembly points, as chosen by the Government of the Allied or Associated Power concerned, to the point of their entry into Italian territory, shall be borne by the Italian Government.

Section IX—Mine Clearance

ARTICLE 72

As from the coming into force of the present Treaty, Italy will be invited to join the Mediterranean Zone Board of the International Organisation for Mine Clearance of European Waters,¹⁰ and shall maintain at the disposal of the Central Mine Clearance Board all Italian minesweeping forces until the end of the post-war mine clearance period as determined by the Central Board.

PART V

WITHDRAWAL OF ALLIED FORCES

ARTICLE 73

1. All armed forces of the Allied and Associated Powers shall be withdrawn from Italy as soon as possible and in any case not later than 90 days from the coming into force of the present Treaty.

¹⁰ For agreement of Nov. 22, 1945, setting up International Organization for Clearance of Mines in European Waters, see *ante*, vol. 3, p. 1322.

2. All Italian goods for which compensation has not been made and which are in possession of the armed forces of the Allied and Associated Powers in Italy at the coming into force of the present Treaty shall be returned to the Italian Government within the same period of 90 days or due compensation shall be made.

3. All bank and cash balances in the hands of the forces of the Allied and Associated Powers at the coming into force of the present Treaty which have been supplied free of cost by the Italian Government shall similarly be returned or a corresponding credit given to the Italian Government.

PART VI

CLAIMS ARISING OUT OF THE WAR

Section I—Reparation

ARTICLE 74

A. REPARATION FOR THE UNION OF SOVIET SOCIALIST REPUBLICS

1. Italy shall pay the Soviet Union reparation in the amount of \$100,000,000 during a period of seven years from the coming into force of the present Treaty. Deliveries from current industrial production shall not be made during the first two years.

2. Reparation shall be made from the following sources:

(a) A share of the Italian factory and tool equipment designed for the manufacture of war material, which is not required by the permitted military establishments, which is not readily susceptible of conversion to civilian purposes and which will be removed from Italy pursuant to Article 67 of the present Treaty;

(b) Italian assets in Roumania, Bulgaria and Hungary, subject to the exceptions specified in paragraph 6 of Article 79;

(c) Italian current industrial production, including production by extractive industries.

3. The quantities and types of goods to be delivered shall be the subject of agreements between the Governments of the Soviet Union and of Italy, and shall be selected and deliveries shall be scheduled in such a way as to avoid interference with the economic reconstruction of Italy and the imposition of additional liabilities on other Allied or Associated Powers. Agreements concluded under this paragraph shall be communicated to the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France.

4. The Soviet Union shall furnish to Italy on commercial terms the materials which are normally imported into Italy and which are needed for the production of these goods. Payments for these materials shall be made

by deducting the value of the materials furnished from the value of the goods delivered to the Soviet Union.

5. The Four Ambassadors shall determine the value of the Italian assets to be transferred to the Soviet Union.

6. The basis of calculation for the settlement provided in this Article will be the United States dollar at its gold parity on July 1, 1946, i.e. \$35 for one ounce of gold.

B. REPARATION FOR ALBANIA, ETHIOPIA, GREECE AND YUGOSLAVIA

1. Italy shall pay reparation to the following States:

Albania in the amount of	\$5,000,000
Ethiopia in the amount of	\$25,000,000
Greece in the amount of	\$105,000,000
Yugoslavia in the amount of	\$125,000,000

These payments shall be made during a period of seven years from the coming into force of the present Treaty. Deliveries from current industrial production shall not be made during the first two years.

2. Reparation shall be made from the following sources:

(a) A share of the Italian factory and tool equipment designed for the manufacture of war material, which is not required by the permitted military establishments, which is not readily susceptible of conversion to civilian purposes and which will be removed from Italy pursuant to Article 67 of the present Treaty;

(b) Italian current industrial production, including production by extractive industries;

(c) All other categories of capital goods or services, excluding Italian assets which, under Article 79 of the present Treaty, are subject to the jurisdiction of the States mentioned in paragraph 1 above. Deliveries under this paragraph shall include either or both of the passenger vessels *Saturnia* and *Vulcania*, if, after their value has been determined by the Four Ambassadors, they are claimed within 90 days by one of the States mentioned in paragraph 1 above. Such deliveries may also include seeds.

3. The quantities and types of goods and services to be delivered shall be the subject of agreements between the Governments entitled to receive reparation and the Italian Government, and shall be selected and deliveries shall be scheduled in such a way as to avoid interference with the economic reconstruction of Italy and the imposition of additional liabilities on other Allied or Associated Powers.

4. The States entitled to receive reparation from current industrial production shall furnish to Italy on commercial terms the materials which are normally imported into Italy and which are needed for the production of

these goods. Payment for these materials shall be made by deducting the value of the materials furnished from the value of the goods delivered.

5. The basis of calculation for the settlement provided in this Article will be the United States dollar at its gold parity on July 1, 1946, i.e., \$35 for one ounce of gold.

6. Claims of the States mentioned in paragraph 1 of part B of this Article, in excess of the amounts of reparation specified in that paragraph, shall be satisfied out of the Italian assets subject to their respective jurisdictions under Article 79 of the present Treaty.

7. (a) The Four Ambassadors will coordinate and supervise the execution of the provisions of part B of this Article. They will consult with the Heads of the Diplomatic Missions in Rome of the States named in paragraph 1 of part B and, as circumstances may require, with the Italian Government, and advise them. For the purpose of this Article, the Four Ambassadors will continue to act until the expiration of the period for reparation deliveries provided in paragraph 1 of part B.

(b) With a view to avoiding conflict or overlapping in the allocation of Italian production and resources among the several States entitled to reparation under part B of this Article, the Four Ambassadors shall be informed by any one of the Governments entitled to reparation under part B of this Article and by the Italian Government of the opening of negotiations for an agreement under paragraph 3 above and of the progress of such negotiations. In the event of any differences arising in the course of the negotiations the Four Ambassadors shall be competent to decide any point submitted to them by either Government or by any other Government entitled to reparation under part B of this Article.

(c) Agreements when concluded shall be communicated to the Four Ambassadors. The Four Ambassadors may recommend that an agreement which is not, or has ceased to be, in consonance with the objectives set out in paragraph 3 or sub-paragraph (b) above be appropriately modified.

C. SPECIAL PROVISION FOR EARLIER DELIVERIES

With respect to deliveries from current industrial production, as provided in part A, paragraph 2 (c) and part B, paragraph 2 (b), nothing in either part A or part B of this Article shall be deemed to prevent deliveries during the first two years, if such deliveries are made in accordance with agreements between the Government entitled to reparation and the Italian Government.

D. REPARATION FOR OTHER STATES

1. Claims of the other Allied and Associated Powers shall be satisfied out of the Italian assets subject to their respective jurisdictions under Article 79 of the present Treaty.

2. The claims of any State which is receiving territories under the present Treaty and which is not mentioned in part B of this Article shall also be

satisfied by the transfer to the said State, without payment, of the industrial installations and equipment situated in the ceded territories and employed in the distribution of water, and the production and distribution of gas and electricity, owned by any Italian company whose *siège social* is in Italy or is transferred to Italy, as well as by the transfer of all other assets of such companies in ceded territories.

3. Responsibility for the financial obligations secured by mortgages, liens and other charges on such property shall be assumed by the Italian Government.

E. COMPENSATION FOR PROPERTY TAKEN FOR REPARATION PURPOSES

The Italian Government undertakes to compensate all natural or juridical persons whose property is taken for reparation purposes under this Article.

Section II—Restitution by Italy

ARTICLE 75

1. Italy accepts the principles of the United Nations Declaration of January 5, 1943,¹¹ and shall return, in the shortest possible time, property removed from the territory of any of the United Nations.

2. The obligation to make restitution applies to all identifiable property at present in Italy which was removed by force or duress by any of the Axis Powers from the territory of any of the United Nations, irrespective of any subsequent transactions by which the present holder of any such property has secured possession.

3. The Italian Government shall return the property referred to in this Article in good order and, in this connection, shall bear all costs in Italy relating to labour, materials and transport.

4. The Italian Government shall co-operate with the United Nations in, and shall provide at its own expense all necessary facilities for, the search for and restitution of property liable to restitution under this Article.

5. The Italian Government shall take the necessary measures to effect the return of property covered by this Article held in any third country by persons subject to Italian jurisdiction.

6. Claims for the restitution of property shall be presented to the Italian Government by the Government of the country from whose territory the property was removed, it being understood that rolling stock shall be regarded as having been removed from the territory to which it originally belonged. The period during which such claims may be presented shall be six months from the coming into force of the present Treaty.

7. The burden of identifying the property and of proving ownership shall rest on the claimant Government, and the burden of proving that the property was not removed by force or duress shall rest on the Italian Government.

¹¹ *Ante*, vol. 3, p. 754.

8. The Italian Government shall restore to the Government of the United Nation concerned all monetary gold looted by or wrongfully removed to Italy or shall transfer to the Government of the United Nation concerned an amount of gold equal in weight and fineness to that looted or wrongfully removed. This obligation is recognised by the Italian Government to exist irrespective of any transfers or removals of gold from Italy to any other Axis Power or a neutral country.

9. If, in particular cases, it is impossible for Italy to make restitution of objects of artistic, historical or archaeological value, belonging to the cultural heritage of the United Nation from whose territory such objects were removed by force or duress by Italian forces, authorities or nationals, Italy shall transfer to the United Nation concerned objects of the same kind as, and of approximately equivalent value to, the objects removed, in so far as such objects are obtainable in Italy.

Section III—Renunciation of Claims by Italy

ARTICLE 76

1. Italy waives all claims of any description against the Allied and Associated Powers on behalf of the Italian Government or Italian nationals arising directly out of the war or out of actions taken because of the existence of a state of war in Europe after September 1, 1939, whether or not the Allied or Associated Power was at war with Italy at the time, including the following:

(a) Claims for losses or damages sustained as a consequence of acts of forces or authorities of Allied or Associated Powers;

(b) Claims arising from the presence, operations, or actions of forces or authorities of Allied or Associated Powers in Italian territory;

(c) Claims with respect to the decrees or orders of Prize Courts of Allied or Associated Powers, Italy agreeing to accept as valid and binding all decrees and orders of such Prize Courts on or after September 1, 1939, concerning Italian ships or Italian goods or the payment of costs;

(d) Claims arising out of the exercise or purported exercise of belligerent rights.

2. The provisions of this Article shall bar, completely and finally, all claims of the nature referred to herein, which will be henceforward extinguished, whoever may be the parties in interest. The Italian Government agrees to make equitable compensation in lire to persons who furnished supplies or services on requisition to the forces of Allied or Associated Powers in Italian territory and in satisfaction of non-combat damage claims against the forces of Allied or Associated Powers arising in Italian territory.

3. Italy likewise waives all claims of the nature covered by paragraph 1 of this Article on behalf of the Italian Government or Italian nationals against any of the United Nations which broke off diplomatic relations with Italy and which took action in co-operation with the Allied and Associated Powers.

4. The Italian Government shall assume full responsibility for all Allied military currency issued in Italy by the Allied military authorities, including all such currency in circulation at the coming into force of the present Treaty.

5. The waiver of claims by Italy under paragraph 1 of this Article includes any claims arising out of actions taken by any of the Allied and Associated Powers with respect to Italian ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising out of the Conventions on prisoners of war now in force.

6. The provisions of this Article shall not be deemed to affect the ownership of submarine cables which, at the outbreak of the war, were owned by the Italian Government or Italian nationals. This paragraph shall not preclude the application of Article 79 and Annex XIV to submarine cables.

ARTICLE 77

1. From the coming into force of the present Treaty property in Germany of Italy and of Italian nationals shall no longer be treated as enemy property and all restrictions based on such treatment shall be removed.

2. Identifiable property of Italy and of Italian nationals removed by force or duress from Italian territory to Germany by German forces or authorities after September 3, 1943, shall be eligible for restitution.

3. The restoration and restitution of Italian property in Germany shall be effected in accordance with measures which will be determined by the Powers in occupation of Germany.

4. Without prejudice to these and to any other dispositions in favour of Italy and Italian nationals by the Powers occupying Germany, Italy waives on its own behalf and on behalf of Italian nationals all claims against Germany and German nationals outstanding on May 8, 1945, except those arising out of contracts and other obligations entered into, and rights acquired, before September 1, 1939. This waiver shall be deemed to include debts, all inter-governmental claims in respect of arrangements entered into in the course of the war, and all claims for loss or damage arising during the war.

5. Italy agrees to take all necessary measures to facilitate such transfers of German assets in Italy as may be determined by those of the Powers occupying Germany which are empowered to dispose of the said assets.

PART VII
PROPERTY, RIGHTS AND INTERESTS

Section I—United Nations Property in Italy

ARTICLE 78

1. In so far as Italy has not already done so, Italy shall restore all legal rights and interests in Italy of the United Nations and their nationals as they existed on June 10, 1940, and shall return all property in Italy of the United Nations and their nationals as it now exists.

2. The Italian Government undertakes that all property, rights and interests passing under this Article shall be restored free of all encumbrances and charges of any kind to which they may have become subject as a result of the war and without the imposition of any charges by the Italian Government in connection with their return. The Italian Government shall nullify all measures, including seizures, sequestration or control, taken by it against United Nations property between June 10, 1940, and the coming into force of the present Treaty. In cases where the property has not been returned within six months from the coming into force of the present Treaty, application shall be made to the Italian authorities not later than twelve months from the coming into force of the present Treaty, except in cases in which the claimant is able to show that he could not file his application within this period.

3. The Italian Government shall invalidate transfers involving property, rights and interests of any description belonging to United Nations nationals, where such transfers resulted from force or duress exerted by Axis Governments or their agencies during the war.

4. (a) The Italian Government shall be responsible for the restoration to complete good order of the property returned to United Nations nationals under paragraph 1 of this Article. In cases where property cannot be returned or where, as a result of the war, a United Nations national has suffered a loss by reason of injury or damage to property in Italy, he shall receive from the Italian Government compensation in lire to the extent of two-thirds of the sum necessary, at the date of payment, to purchase similar property or to make good the loss suffered. In no event shall United Nations nationals receive less favourable treatment with respect to compensation than that accorded to Italian nationals.

(b) United Nations nationals who hold, directly or indirectly, ownership interests in corporations or associations which are not United Nations nationals within the meaning of paragraph 9(a) of this Article, but which have suffered a loss by reason of injury or damage to property in Italy, shall receive compensation in accordance with sub-paragraph (a) above. This compensation shall be calculated on the basis of the total loss or damage

suffered by the corporation or association and shall bear the same proportion to such loss or damage as the beneficial interests of such nationals in the corporation or association bear to the total capital thereof.

(c) Compensation shall be paid free of any levies, taxes or other charges. It shall be freely usable in Italy but shall be subject to the foreign exchange control regulations which may be in force in Italy from time to time.

(d) The Italian Government shall grant United Nations nationals an indemnity in lire at the same rate as provided in sub-paragraph (a) above to compensate them for the loss or damage due to special measures applied to their property during the war, and which were not applicable to Italian property. This sub-paragraph does not apply to a loss of profit.

5. All reasonable expenses incurred in Italy in establishing claims, including the assessment of loss or damage, shall be borne by the Italian Government.

6. United Nations nationals and their property shall be exempted from any exceptional taxes, levies or imposts imposed on their capital assets in Italy by the Italian Government or any Italian authority between September 3, 1943, and the coming into force of the present Treaty for the specific purpose of meeting charges arising out of the war or of meeting the costs of occupying forces or of reparation payable to any of the United Nations. Any sums which have been so paid shall be refunded.

7. Notwithstanding the territorial transfers provided in the present Treaty, Italy shall continue to be responsible for loss or damage sustained during the war by property in ceded territory or in the Free Territory of Trieste belonging to United Nations nationals. The obligations contained in paragraphs 3, 4, 5 and 6 of this Article shall also rest on the Italian Government in regard to property in ceded territory and in the Free Territory of Trieste of United Nations nationals except in so far as this would conflict with the provisions of paragraph 14 of the Annex X and paragraph 14 of Annex XIV of the present Treaty.

8. The owner of the property concerned and the Italian Government may agree upon arrangements in lieu of the provisions of this Article.

9. As used in this Article:

(a) "United Nations nationals" means individuals who are nationals of any of the United Nations, or corporations or associations organised under the laws of any of the United Nations, at the coming into force of the present Treaty, provided that the said individuals, corporations or associations also had this status on September 3, 1943, the date of the Armistice with Italy.

The term "United Nations nationals" also includes all individuals, corporations or associations which, under the laws in force in Italy during the war, have been treated as enemy;

(b) "Owner" means the United Nations national, as defined in sub-paragraph (a) above, who is entitled to the property in question, and includes a successor of the owner, provided that the successor is also a United Nations national as defined in sub-paragraph (a). If the successor has purchased the property in its damaged state, the transferor shall retain his rights to compensation under this Article, without prejudice to obligations between the transferor and the purchaser under domestic law;

(c) "Property" means all movable or immovable property, whether tangible or intangible, including industrial, literary and artistic property, as well as all rights or interests of any kind in property. Without prejudice to the generality of the foregoing provisions, the property of the United Nations and their nationals includes all seagoing and river vessels, together with their gear and equipment, which were either owned by United Nations or their nationals, or registered in the territory of one of the United Nations, or sailed under the flag of one of the United Nations and which, after June 10, 1940, while in Italian waters, or after they had been forcibly brought into Italian waters, either were placed under the control of the Italian authorities as enemy property or ceased to be at the free disposal in Italy of the United Nations or their nationals, as a result of measures of control taken by the Italian authorities in relation to the existence of a state of war between members of the United Nations and Germany.

Section II—Italian Property in the Territory of Allied and Associated Powers

ARTICLE 79

1. Each of the Allied and Associated Powers shall have the right to seize, retain, liquidate or take any other action with respect to all property, rights and interests which on the coming into force of the present Treaty are within its territory and belong to Italy or to Italian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Italy or Italian nationals, including debts, other than claims fully satisfied under other Articles of the present Treaty. All Italian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned.

2. The liquidation and disposition of Italian property shall be carried out in accordance with the law of the Allied or Associated Power concerned. The Italian owner shall have no rights with respect to such property except those which may be given him by that law.

3. The Italian Government undertakes to compensate Italian nationals whose property is taken under this Article and not returned to them.

4. No obligation is created by this Article on any Allied or Associated Power to return industrial property to the Italian Government or Italian nationals, or to include such property in determining the amounts which may be retained under paragraph 1 of this Article. The Government of each of

the Allied and Associated Powers shall have the right to impose such limitations, conditions and restrictions on rights or interests with respect to industrial property in the territory of that Allied or Associated Power, acquired prior to the coming into force of the present Treaty by the Government or nationals of Italy, as may be deemed by the Government of the Allied or Associated Power to be necessary in the national interest.

5. (a) Italian submarine cables connecting points in Yugoslavia shall be deemed to be Italian property in Yugoslavia, despite the fact that lengths of these cables may lie outside the territorial waters of Yugoslavia.

(b) Italian submarine cables connecting a point in the territory of an Allied or Associated Power with a point in Italian territory shall be deemed to be Italian property within the meaning of this Article so far as concerns the terminal facilities and the lengths of cables lying within territorial waters of that Allied or Associated Power.

6. The property covered by paragraph 1 of this Article shall be deemed to include Italian property which has been subject to control by reason of a state of war existing between Italy and the Allied or Associated Power having jurisdiction over the property, but shall not include:

(a) Property of the Italian Government used for consular or diplomatic purposes;

(b) Property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;

(c) Property of natural persons who are Italian nationals permitted to reside within the territory of the country in which the property is located or to reside elsewhere in United Nations territory, other than Italian property which at any time during the war was subjected to measures not generally applicable to the property of Italian nationals resident in the same territory;

(d) Property rights arising since the resumption of trade and financial relations between the Allied and Associated Powers and Italy, or arising out of transactions between the Government of any Allied or Associated Power and Italy since September 3, 1943;

(e) Literary and artistic property rights;

(f) Property in ceded territories of Italian nationals, to which the provisions of Annex XIV shall apply;

(g) With the exception of the assets indicated in Article 74, part A, paragraph 2(b) and part D, paragraph 1, property of natural persons residing in ceded territories or in the Free Territory of Trieste who do not opt for Italian nationality under the present Treaty, and property of corporations or associations having *siège social* in ceded territories or in the Free Territory of Trieste, provided that such corporations or associations are not owned or controlled by persons in Italy. In the cases provided under Article 74, part A, paragraph 2 (b), and part D, paragraph 1, the question of compensation will be dealt with under Article 74, part E.

Section III—Declaration of the Allied and Associated Powers in Respect of Claims

ARTICLE 80

The Allied and Associated Powers declare that the rights attributed to them under Article 74 and 79 of the present Treaty cover all their claims and those of their nationals for loss or damage due to acts of war, including measures due to the occupation of their territory, attributable to Italy and having occurred outside Italian territory, with the exception of claims based on Articles 75 and 78.

Section IV—Debts

ARTICLE 81

1. The existence of the state of war shall not, in itself, be regarded as affecting the obligation to pay pecuniary debts arising out of obligations and contracts which existed, and rights which were acquired, before the existence of the state of war, which became payable prior to the coming into force of the present Treaty, and which are due by the Government or nationals of Italy to the Government or nationals of one of the Allied and Associated Powers or are due by the Government or nationals of one of the Allied and Associated Powers to the Government or nationals of Italy.

2. Except as otherwise expressly provided in the present Treaty, nothing therein shall be construed as impairing debtor-creditor relationships arising out of pre-war contracts concluded either by the Government or nationals of Italy.

PART VIII

GENERAL ECONOMIC RELATIONS

ARTICLE 82

1. Pending the conclusion of commercial treaties or agreements between individual United Nations and Italy, the Italian Government shall, during a period of eighteen months from the coming into force of the present Treaty, grant the following treatment to each of the United Nations which, in fact, reciprocally grants similar treatment in like matters to Italy:

(a) In all that concerns duties and charges on importation or exportation, the internal taxation of imported goods and all regulations pertaining thereto, the United Nations shall be granted unconditional most-favoured-nation treatment;

(b) In all other respects, Italy shall make no arbitrary discrimination against goods originating in or destined for any territory of any of the United Nations as compared with like goods originating in or destined for territory of any other of the United Nations or of any other foreign country;

(c) United Nations nationals, including juridical persons, shall be granted national and most-favoured-nation treatment in all matters pertaining to commerce, industry, shipping and other forms of business activity within Italy. These provisions shall not apply to commercial aviation;

(d) Italy shall grant no exclusive or discriminatory right to any country with regard to the operation of commercial aircraft in international traffic, shall afford all the United Nations equality of opportunity in obtaining international commercial aviation rights in Italian territory, including the right to land for refueling and repair, and, with regard to the operation of commercial aircraft in international traffic, shall grant on a reciprocal and non-discriminatory basis to all United Nations the right to fly over Italian territory without landing. These provisions shall not affect the interests of the national defense of Italy.

2. The foregoing undertakings by Italy shall be understood to be subject to the exceptions customarily included in commercial treaties concluded by Italy before the war; and the provisions with respect to reciprocity granted by each of the United Nations shall be understood to be subject to the exceptions customarily included in the commercial treaties concluded by that State.

PART IX

SETTLEMENT OF DISPUTES

ARTICLE 83

1. Any disputes which may arise in giving effect to Articles 75 and 78 and Annexes XIV, XV, XVI and XVII, part B, of the present Treaty shall be referred to a Conciliation Commission consisting of one representative of the Government of the United Nation concerned and one representative of the Government of Italy, having equal status. If within three months after the dispute has been referred to the Conciliation Commission no agreement has been reached, either Government may ask for the addition to the Commission of a third member selected by mutual agreement of the two Governments from nationals of a third country. Should the two Governments fail to agree within two months on the selection of a third member of the Commission, the Governments shall apply to the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France, who will appoint the third member of the Commission. If the Ambassadors are unable to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment.¹²

¹² For an agreement between the United States and Italy concerning the designation of a permanent third member of the U.S.-Italian Conciliation Commission, effected by exchange of notes at Rome Feb. 12 and 13, 1951, see 2 UST 807; TIAS 2232.

2. When any Conciliation Commission is established under paragraph 1 above, it shall have jurisdiction over all disputes which may thereafter arise between the United Nation concerned and Italy in the application or interpretation of Articles 75 and 78 and Annexes XIV, XV, XVI, and XVII, part B, of the present Treaty, and shall perform the functions attributed to it by those provisions.

3. Each Conciliation Commission shall determine its own procedure, adopting rules conforming to justice and equity.

4. Each Government shall pay the salary of the member of the Conciliation Commission whom it appoints and of any agent whom it may designate to represent it before the Commission. The salary of the third member shall be fixed by special agreement between the Governments concerned and this salary, together with the common expenses of each Commission, shall be paid in equal shares by the two Governments.

5. The parties undertake that their authorities shall furnish directly to the Conciliation Commission all assistance which may be within their power.

6. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

PART X

MISCELLANEOUS ECONOMIC PROVISIONS

ARTICLE 84

Articles 75, 78, 82 and Annex XVII of the present Treaty shall apply to the Allied and Associated Powers and to those of the United Nations which broke off diplomatic relations with Italy or with which Italy broke off diplomatic relations. These Articles and this Annex shall also apply to Albania and Norway.

ARTICLE 85

The provisions of Annexes VIII, X, XIV, XV, XVI and XVII shall, as in the case of the other Annexes, have force and effect as integral parts of the present Treaty.

PART XI

FINAL CLAUSES

ARTICLE 86

1. For a period not to exceed eighteen months from the coming into force of the present Treaty, the Ambassadors in Rome of the Soviet Union, of the United Kingdom, of the United States of America, and of France, acting in concert, will represent the Allied and Associated Powers in dealing with the Italian Government in all matters concerning the execution and interpretation of the present Treaty.

2. The Four Ambassadors will give the Italian Government such guidance, technical advice and clarification as may be necessary to ensure the rapid and efficient execution of the present Treaty both in letter and in spirit.

3. The Italian Government shall afford to the said Four Ambassadors all necessary information and any assistance which they may require in the fulfilment of the tasks devolving on them under the present Treaty.

ARTICLE 87

1. Except where another procedure is specifically provided under any Article of the present Treaty, any dispute concerning the interpretation or execution of the Treaty, which is not settled by direct diplomatic negotiations, shall be referred to the Four Ambassadors acting under Article 86 except that in this case the Ambassadors will not be restricted by the time limit provided in that Article. Any such dispute not resolved by them within a period of two months shall, unless the parties to the dispute mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 88

1. Any member of the United Nations, not a signatory to the present Treaty, which is at war with Italy, and Albania, may accede to the Treaty and upon accession shall be deemed to be an Associated Power for the purposes of the Treaty.

2. Instruments of accession shall be deposited with the Government of the French Republic and shall take effect upon deposit.

ARTICLE 89

The provisions of the present Treaty shall not confer any rights or benefits on any State named in the Preamble as one of the Allied and Associated Powers or on its nationals until such State becomes a party to the Treaty by deposit of its instrument of ratification.

ARTICLE 90

The present Treaty, of which the French, English and Russian texts are authentic, shall be ratified by the Allied and Associated Powers. It shall also be ratified by Italy. It shall come into force immediately upon the deposit

of ratifications by the Union of Soviet Socialist Republics, by the United Kingdom of Great Britain and Northern Ireland, by the United States of America, and by France. The instruments of ratification shall, in the shortest time possible, be deposited with the Government of the French Republic.

With respect to each Allied or Associated Power whose instrument of ratification is thereafter deposited, the Treaty shall come into force upon the date of deposit. The present Treaty shall be deposited in the archives of the Government of the French Republic, which shall furnish certified copies to each of the signatory States.

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¹³ See footnote 5, *ante*, p. 312.

ANNEX I

Maps To Accompany the Peace Treaty with Italy(See separate volume)¹³

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ANNEX II

Franco-Italian Frontier

Detailed description of the sections of the frontier to which the modifications set out in Article 2 apply

Little Saint Bernard Pass

Reference: 1:20,000 map: Ste. Foy Tarentaise Nos. 1-2

The new frontier follows a line which starts from the rocky ridge of Lancebranlette, then, descending towards the east, follows the line of the watershed to the 2,180 meter level, whence it passes to the Colonna Joux (2188). From there, still following the line of the watershed, it reascends on to Costa del Belvedere, the rocky outcrops of which it follows, climbs Mt. Belvedere, skirting its summit and leaving the latter in French territory 120 meters away from the frontier and, passing through points 2570, 2703, Bella Valletta and point 2746, it rejoins the old frontier at Mt. Valaisan.

Mont Cenis Plateau

Reference: 1:20,000 map: Lanslebourg, Nos. 5-6 and 7-8 and of Mont D'Ambin, Nos. 1-2

The new frontier follows a line which leaves the old frontier at Mt. Tour, follows westwards the administrative boundary shown on the map, follows the Vitouin as soon as it meets it on its northern branch and descends along it as far as Rocca della Torretta.

Then following the line of rocky outcrops, it reaches the stream coming from the Alpe Lamet and descends with it as far as the base of the rocky escarpment along which it runs for about 800 meters as far as the thalweg at a point situated about 200 meters north of point 1805.

Then it mounts to the top of the landslips which overlook Ferrera Cenisio about 300 meters away and, continuing westwards, meets the road which

skirts the east of Rne. Paradiso 400 meters west of the loop (1854), leaving it immediately and bending southwards.

It cuts the Bar Cenisia road at a point about 100 meters southeast of Refuge 5, crosses the thalweg in the direction of Lago S. Giorgio, roughly follows contour 1900 as far as point 1907, then skirts the southern side of Lago d'Arpon and rejoins the rocky ridge on which it remains in a south-westerly direction as far as the confluence of the streams coming from the Bard glacier (Ghiacciaio di Bard) at a point approximately 1,400 meters southwest of Lago d'Arpon.

From there, bending southwards, it roughly follows contour 2500, goes as far as point 2579, then, running along contour 2600, it reaches the Lago della Vecchia and rejoins, at the administrative boundary marked on the map about 700 meters southeast of the lake, the Pso. d'Avanza path, which it follows along the rocky escarpments to the old frontier, halfway between the Col della Vecchia and the Col de Clapier.

Mont Thabor

Reference: 1:20,000 map: Nevache, 1-2, 5-6 and 7-8

From Cima de la Planette to Rocher de Guion (Cima del Sueur)

The new frontier follows a line which leaves the present frontier at Cima de la Planette and, proceeding southwards, follows the ridge through points 2980, 3178, Rca. Bernaude (3228), points 2842, 2780, 2877, Pso. della Gallina (2671), points 2720, 2806 and Pta. Quattro Sorelle (2700).

Descending the eastern slope of this summit, the line leaves in French territory point 2420, whence it rejoins and follows on the east the path leading to the buildings situated about 200 meters from point 2253, this path and these buildings being left in French territory. It then enters a thalweg, passing about 300 meters northeast of point 1915, whence it reaches the northwestern edge of the reservoir which, in the Vallee Etroite (Valle Stretta) feeds the hydro-electric installations of Sette Fontane, leaving this reservoir and these installations in Italian territory. Skirting the reservoir on the south, it reaches the crossroads at point 1499.

Thence it follows the path which hugs the edge of the woods along contour 1500 and which leads it to Comba della Gorgia near the 1580 contour; then it ascends the thalweg towards point 1974 and joins the edge of the rocky escarpments of La Sueur as marked by points 2272, 2268, 2239, 2266, 2267, remaining on this edge until it meets the old frontier, the crest of the rocks and the path bordering it remaining in French territory.

Chaberton

Reference: 1:20,000 map: Briançon, Nos. 3-4

The new frontier follows a line which leaves the old frontier at point 3042 (north of point 3070 and north of Pointe des Trois Scies) and follows the rocky ridge as far as Croce del Vallonetto.

From the Croce del Vallonetto it bends towards the south along the rocky ridge and meets the Chaberton road at the point where the latter enters the *cirque* of the Clot des Morts.

Crossing this road and the thalweg which borders it, the line roughly follows, for 1250 meters, contour 2300 which, on the ground, follows to the southeast a series of rocky outcrops and debris, then it cuts straight across the eastern slope of Mt. Chaberton, reaches a point about 400 meters west of point 2160 leaving in French territory the intermediate pylon of the cable railway which stands there.

Then it proceeds in a straight line, across a series of rocky barriers and steep ravines, towards the position (not marked on the map) of La Fontaine des Chamois, near point 2228 (about 1400 meters northeast of Clavières) which it skirts to the east, following the second bend of the road joining this position with the fortified barracks of Chaberton, on the road from Cézanne (Cesana) to Clavières, leaving the fortifications at La Fontaine des Chamois in French territory.

Thence following first in a southerly direction the commune boundary marked on the map, and then the rocky barrier about 400 meters north of the Clavières-Cézanne (Cesana) road, it bends towards the southwest, passing along the foot of the rocky cliffs, sufficiently far from the latter to allow the construction of a double-track road.

Skirting in this way to the north the village of Clavières, which is left in Italian territory, it meets the Rio Secco about 200 meters upstream from the Clavières bridge and follows down its course, then that of Doire Ripaire (Doria Riparia) as far as the road from Clavières to Val Gimont, which is left to Italy, and follows this road as far as the bridge over the Gimont.

Proceeding up the course of the latter for about 300 meters, the line then leaves it and follows the mule-track which takes it to the upper pylon of the Clavières cable railway (Col du Mont Fort du Boeuf), which is left in French territory. Then, across the ridge, it rejoins the present frontier at Mont la Plane, frontier post 251. The road in the valley of the Gimont is left in Italian territory.

Upper Valleys of La Tinée, La Vesubie and La Roya

1. From Cime de Colla Longa to Cima di Mercantour

References: 1:20,000 maps: St. Etienne de Tinée, Nos. 3-4 and 7-8, Les Trois Ponts, Nos. 5-6

The new frontier follows a line which leaves the old frontier at Cime de Colla Longa and proceeding eastwards and following the line of the watershed, skirts the rocky ridge, passing through points 2719, 2562, Cle. di Secchia, reaches at point 2760 the Testa dell'Autaret, passes to point 2672, to the Cle. della Guercia (2456) and through points 2640, 2693, 2689, reaches Rocche di Saboulé and follows the northern ridge thereof.

Following the ridge, it passes through points 2537, 2513, Pso. del Lausfer (2461) and point 2573 to Testa Auta del Lausfer (2587) whence it bends southwards as far as Testa Colla Auta, passing Cima del Lausfer (2544), leaving the latter point in Italy.

Thence through point 2484, and along the ridge path which is left in French territory, through points 2240 and 2356, it crosses the Passo di S. Anna, and passing through points 2420 and 2407 it reaches a point about 80 meters south of point 2378 (Cima Moravacciera).

Following the ridge path left in French territory, it passes through Testa Ga del Caval and point 2331, both left in French territory, then leaving the path it continues on the ridge of Testa del'Adreck (2475) and through Cle. della Lombarda and point 2556 and arrives at Cima della Lombarda (2801).

Bending southeastwards, it then follows the rocky ridge and passing through Pso. di Peania, Cima di Vermeil, point 2720 left in French territory, Testa Cba. Grossa (2792), Pso. del Lupo (2730) and point 2936, reaches Mt. Malinvern.

Thence, in a southerly direction, through points 2701, 2612 and Cima di Tavel (2804), then in an easterly direction through point 2823, it reaches Testa del Claus (2889).

Then, bending in a general southeasterly direction, it crosses Passo delle Portette, passes to point 2814, to Testa delle Portette, to point 2868, to Testa Margiola (2831), to Caire di Prefouns (2840), to Passo del Prefouns (2620), to Testa di Tablasses (2851), to Passo di Bresses (2794), to Testa di Bresses (2820), and passing through Cima di Fremamorta (2731), Cle. Fremamorta, point 2625, point 2675, and point 2539, Cima di Pagari (2686), Cima di Naucetas (2706), points 2660 and 2673, Cle. di Ciriegia (2581), reaches Cima di Mercantour (2775).

2. *From Cima di Mercantour to Mt. Clapier*

References: 1:20,000 map: Les Trois Ponts, Nos. 5-6 and the Italian
1:20,000 map: Madonna delle Finestre

From Cima di Mercantour, it proceeds through point 2705, Cle. Mercantour (2611), Cima Ghilie (2998), points 2939 and 2955, Testa della Rovina (2981), points 2844 and 2862, Paso della Rovina, Caire dell'Agnel (2935, 2867, 2784), Cima del Caire Agnel (2830), Cima Mallariva (2860), Cima Cairas (2831), Cima Cougourda (2881, 2921), Cima dei Gaisses (2896), points 2766, 2824, Cima del Lombard (2842), points 2831, 2717, 2591, 2600 and 2582, Boccia Forno, Cima delle Finestre (2657), Col delle Finestre, points 2634, 2686 and 2917 and reaches Cima dei Gelas (3143), then through point 3070 to Cima della Maledia (3061), from whence it skirts the Passo del Pagari (2819) path and then, following the commune boundary, shown on the map, it reaches the Passo di Mt. Clapier (2827), winds

round the north and east of Mt. Clapier (3045) along the administrative boundary shown on the map.

3. *From Mt. Clapier to Colle di Tenda*

References: Italian 1:20,000 map: Madonna delle Finestre and Colle di Tenda

From Mt. Clapier, the line follows the administrative boundary represented on the map by points 2915, 2887 and 2562, Passo dell'Agnel and point 2679, up to Cima dell'Agnel (2775).

The line then bears eastwards, still adhering to the administrative boundary represented on the map by points 2845 and 2843 of Rce. dell'Agnel; it then reaches Cima della Scandeiera (2706), crosses Cle. del Sabbione (2332), proceeds over points 2373, 2226, 2303, and 2313 to Cma. del Sabbione (2610), point 2636, Pta. Peirafica, points 2609, 2585, 2572, 2550 and reaches Rca. dell'Abisso (2755).

The line still continues along the administrative boundary marked on the map up to the east of point 2360, then skirts the rocky outcrops north of Rne. Pian Misson, from whence it reaches the Mt. Becco Rosso path and follows it to the north of points 2181, 2116 and 1915 and then skirts the road for approximately 1 kilometer northwards before rejoining the above-mentioned path up to Colle di Tenda. The path and the section of highway mentioned above remain in French territory.

4. *From Colle di Tenda to Cima Missun*

Reference: Italian 1:20,000 map: Tenda and Certosa di Pesio

From Colle di Tenda the line, leaving the path in French territory, proceeds to points 1887 and 2206, then branches off the path to follow along the ridge the administrative boundary shown on the map, then passing through point 2262 reaches Cma. del Becco (2300).

Bearing northward and along the administrative boundary shown on the map it reaches the Col della Perla (2086), follows the path which skirts the rocky outcrop in Cma. del Cuni to Col della Boaira, where it leaves it to follow the ridge to the north. The above-mentioned path remains in French territory.

Skirting the rocky outcrop, it proceeds to point 2275, reaches Testa Ciaudon (2386), skirts the rocky escarpments, crosses Colla Piana (2219) and reaches point 2355 of Mt. Delle Carsene which is left on French soil, then it follows the northern ridge of this mountain over Pta. Straldi (2375), points 2321 and 2305 up to Pso. Scarason, then swerves northwards up to point 2352, where it meets the administrative boundary shown on the map and follows this boundary through points 2510 and 2532 up to Pta. Marguareis (2651).

Deviating southward it then follows the ridge, passes point 2585 and, passing down the rocky crest, reaches Colle del Lago dei Signori.

Following the path on the summit, which is left in French territory, then running along the crest proper, it comes to Cima di Pertega (2402), passes along the rocky ridge down to Cle. delle Vecchie (2106), whence it follows the summit path, which it leaves in French territory, through points 2190, 2162, Cima del Vescovo (2257) and Cima di Velega (2366) up to Mt. Bertrand.

From Mt. Bertrand (2481) it follows the administrative boundary shown on the map up to Cla. Rossa, where it rejoins the summit path which it then skirts passing through points 2179 and 2252 up to Cima Missun (2356), then, winding round the east of this mountain summit, the line follows the above-mentioned path which remains in French territory.

5. *From Cima Missun to Col de Pegairole*

References: 1:20,000 map: Pointe de Lugo, Nos. 1-2 and 5-6

Following the same summit path, the line crosses Cla. Cravirora and passes east of point 2265 to Pta. Farenga. It then leaves the path and winds round Cma. Ventosa to the east, after which it joins the Passo di Tanarello path and leaves in France the constructions beside this path. The line then passes along Mt. Tanarello, crosses Passo Basera (2088), skirts Mt. Saccarello which is left approximately 300 meters to the westwards, then following first the rocky ridge and then the path up to Pso. di Collardente it reaches the ridge which leads up to Mt. Collardente, leaving point 1762 on French territory. At this point it skirts a path which is left in Italian territory and comes to Mt. Collardente, leaving on French soil the path which crosses it. The line then follows this path through the Bassa di Sanson east and south of point 1769 up to the constructions, situated approximately 500 meters east of Testa della Nava (1934), which are left in French territory.

When it reaches these works, it leaves the road, rejoins at the ridge the road along the Testa della Nava ridge which remains in French territory, and follows it as far as the works to the southeast of the Cima di Marta or Mt. Vacche, skirting it from the east.

From there, passing along the ridge road left in French territory, it skirts Mt. Ceriana, leaves the road to reach Mt. Grai (2014) and joins it again at the col (1875), follows it to skirt Cima della Valetta and Mt. Pietravecchia as far as the rocky crest.

It then crosses Gola dell'Incisa, runs by way of the ridge and point 1759 to Mt. Toraggio (1972), then to Cima di Logambon and the Gola del Corvo, skirts Mt. Bauso and Mt. Lega (1552, 1563 and 1556) and follows the ridge downwards to Passo di Muratone.

Along the ridge road, left in French territory, it runs to Mt. Scarassan, to the south of Mt. Battolino and of point 1358 and reaches Cla. Pegairole.

6. *From Cla. Pegairole to Mt. Mergo*

References: 1:20,000 maps: Pointe de Lugo, Nos. 5-6, San Remo, Nos. 1-2 and Menton, Nos. 3-4

From Cla. Pegairole the line follows the administrative boundary marked on the map, leaving Cisterne to France, climbs Mt. Simonasso, drops as far as the col and follows the road to Margheria Suan which it leaves in French territory, the chalets remaining in Italian territory.

Continuing to follow the road, left in French territory, it passes to the east of Testa d'Alpe to Fontana dei Draghi, to the springs at point 1406, to point 1297, skirts Colla Sgora on the east, passes the points 1088, 1016, and 1026, crosses the rocky ridge of Mt. Colombin, follows the cantonal boundary shown on the map along Cima di Reglie (846 and 858), departs from this cantonal boundary in a southwesterly direction to follow the ridge of Serra dell'Arpetta (543, 474 and 416) down to the thalweg of the Roya, which it crosses about 200 meters northwest of the bridge of Fanghetto.

The line then ascends the thalweg of Roya to a point situated about 350 meters from the above-mentioned bridge. It leaves the Roya at this point and bears southwest to point 566. From this point it bears west until it meets the ravine descending to Olivetta which it follows as far as the road, leaving the dwellings on this road in Italian territory, mounts the Vle. di Trono for about 200 meters and then turns towards point 410 as far as the road from Olivetta to San Girolamo. Thence it runs southeast along this road for about 100 meters and then bears generally southwest to point 403, running for about 20 meters along and to the south of the road marked on the map. From point 403, it follows the ridge of Pta. Becche as far as point 379, then again bearing southwest, crosses the Bevera, following the thalweg towards Mt. Mergo which it skirts on the south at about 50 meters from the summit (686), left in French territory, and rejoins the present frontier at a point about 100 meters to the southwest of that summit.

ANNEX III

Guarantees in Connection with Mont Cenis and the Tenda-Briga District

(See Article 9)

A. GUARANTEES TO BE GIVEN BY FRANCE TO ITALY IN CONNECTION WITH THE CESSION OF THE PLATEAU OF MONT CENIS

I. *In Respect of Water Supplied from the Lake of Mont Cenis for Hydro-Electric Purposes*

(a) France shall so control the supply of water from the Lake of Mont Cenis to the underground conduits supplying the Gran Scala, Venaus and Mompantero hydro-electric plants, as to supply for those plants such quantities of water at such rates of flow as Italy may require.

(b) France shall repair and maintain in good and substantial condition and, as may be necessary, shall renew all the works required for the purposes of controlling and supplying the water in accordance with sub-paragraph (a) in so far as these works are within French territory.

(c) France shall inform Italy, as and when required by Italy, of the amount of water in the Lake of Mont Cenis and of any other information pertaining thereto, so as to enable Italy to determine the quantities of water and rates of flow to be supplied to the said underground conduits.

(d) France shall carry out the foregoing provisions with due regard for economy and shall charge Italy the actual cost incurred in so doing.

II. *In Respect of Electricity Produced at the Gran Scala Hydro-Electric Plant*

(a) France shall operate the Gran Scala hydro-electric plant so as to generate (subject to the control of the supply of water as provided in Guarantee I) such quantities of electricity at such rates of output as Italy may require after the local requirements (which shall not substantially exceed the present requirements) in the vicinity of Gran Scala within French territory have been met.

(b) France shall operate the pumping plant adjacent to the Gran Scala plant so as to pump water to the Lake of Mont Cenis as and when required by Italy.

(c) France shall repair and maintain in good and substantial condition and, as may be necessary, shall renew all the works comprising the Gran Scala hydro-electric plant and pumping plant together with the transmission line and equipment from the Gran Scala plant to the Franco-Italian frontier.

(d) France shall transmit over the transmission line from Gran Scala to the Franco-Italian frontier the electricity required by Italy as aforesaid, and shall deliver that electricity to Italy at the point at which that transmission line crosses the Franco-Italian frontier into Italian territory.

(e) France shall maintain the voltage and periodicity of the electricity supplied in accordance with the foregoing provisions at such levels as Italy may reasonably require.

(f) France shall arrange with Italy for telephone communication between Gran Scala and Italy and shall communicate with Italy in order to ensure that the Gran Scala plant, the pumping plant and transmission line are operated in such a manner as to comply with the foregoing guarantees.

(g) The price to be charged by France and paid by Italy for electricity available to Italy from the Gran Scala plant (after the local requirements as aforesaid have been met) shall be the same as the price charged in France for the supply of similar quantities of hydro-electricity in French territory in the neighbourhood of Mont Cenis or in other regions where conditions are comparable.

III. *Duration of Guarantees*

Unless otherwise agreed between France and Italy these guarantees will remain in force in perpetuity.

IV. *Supervisory Technical Commission*

A Franco-Italian Supervisory Technical Commission comprising an equal number of French and Italian members shall be established to supervise and facilitate the execution of the foregoing guarantees which are designed to secure the same facilities as Italy enjoyed in respect of hydro-electric and water supplies from the Lake of Mont Cenis before the cession of this region to France. It shall also be within the functions of the Supervisory Technical Commission to cooperate with the competent French technical services in order to ensure that the safety of the lower valleys is not endangered.

B. GUARANTEES TO BE GIVEN BY FRANCE TO ITALY IN CONNECTION WITH THE CESSION OF THE TENDA-BRIGA DISTRICT TO FRANCE

1. *Guarantees* to ensure to Italy the supply of electricity generated by the two 16 $\frac{2}{3}$ period generators of the hydro-electric plant at San Dalmazzo; and the supply of electricity generated at 50 periods at the hydro-electric plants at Le Mesce, San Dalmazzo and Confine in excess of such amount thereof as may be required by France for supply to the Sospel, Menton and Nice areas until the complete reconstruction of the wrecked hydro-electric plants at Breil and Fontan, it being understood that such amount will decrease as reconstruction of these plants proceeds and will not exceed 5,000 KW in power and 3,000,000 KWH per month and that, if no special difficulties are encountered in the reconstruction, the work should be completed not later than the end of 1947:

(a) France shall operate the said plants so as to generate (subject to such limitations as may be imposed by the amount of water available and taking into account as far as reasonably practicable the needs of the plants downstream) such quantities of electricity at such rates of output as Italy may require, firstly, at 16 $\frac{2}{3}$ periods for the Italian railways in Liguria and South Piedmont and secondly, at 50 periods for general purposes, after the requirements by France for Sospel, Menton and Nice, as aforesaid, and the local requirements in the vicinity of San Dalmazzo, have been met;

(b) France shall repair and maintain in good and substantial condition and, as may be necessary, shall renew all the works comprising the Le Mesce, San Dalmazzo and Confine hydro-electric plants together with the transmission lines and equipment from the Le Mesce and Confine plants to the San Dalmazzo plant and also the main transmission lines and equipment from the San Dalmazzo plant to the Franco-Italian frontier;

(c) France shall inform Italy, as and when required by Italy, of the rate of flow of water at Le Mesce and Confine and of the amount of water stored

at San Dalmazzo and of any other information pertaining thereto so as to enable Italy to determine her electricity requirements as indicated in subparagraph (a);

(d) France shall transmit over the main transmission lines from San Dalmazzo to the Franco-Italian frontier the electricity required by Italy as aforesaid, and shall deliver that electricity to Italy at the points at which those main transmission lines cross the Franco-Italian frontier into Italian territory;

(e) France shall maintain the voltage and periodicity of the electricity supplied in accordance with the foregoing provisions at such levels as Italy may actually require;

(f) France shall arrange with Italy for telephone communications between San Dalmazzo and Italy and shall communicate with Italy in order to ensure that the said hydro-electric plants and transmission lines are operated in such a manner as to comply with the foregoing guarantees.

2. *Guarantee* concerning the price to be charged by France to Italy for the electricity made available to Italy under paragraph 1 above until terminated in accordance with paragraph 3 below:

The price to be charged by France and paid by Italy for the electricity made available to Italy from the Le Mesce, San Dalmazzo and Confine hydro-electric plants after the requirements by France for Sospel, Menton and Nice and the local requirements in the vicinity of San Dalmazzo have been met as provided in subparagraph (a) of Guarantee 1, shall be the same as the price charged in France for the supply of similar quantities of hydro-electricity in French territory in the neighborhood of the Upper Valley of the Roya or in other regions where conditions are comparable.

3. *Guarantee* of a reasonable period of time for the supply of electricity by France to Italy:

Unless otherwise mutually agreed between France and Italy, Guarantees 1 and 2 shall remain in force until December 31, 1961, and shall terminate then or any subsequent December 31 if either country shall have given to the other at least two years notice in writing of its intention to terminate.

4. *Guarantee* of full and equitable utilization by France and Italy of the waters of the Roya and its tributaries for hydro-electric production:

(a) France shall operate the hydro-electric plants on the Roya in French territory, taking into account as far as reasonably practicable the needs of the plants downstream. France shall inform Italy in advance of the amount of water which it is expected will be available each day, and shall furnish any other information pertaining thereto;

(b) Through bilateral negotiations France and Italy shall develop a mutually agreeable, co-ordinated plan for the exploitation of the water resources of the Roya.

5. A commission or such other similar body as may be agreed shall be established to supervise the carrying out of the plan mentioned in subparagraph (b) of Guarantee 4 and to facilitate the execution of Guarantees 1-4.

ANNEX IV

Provisions Agreed upon by the Austrian and Italian Governments on September 5, 1946

(Original English text as signed by the two Parties and communicated to the Paris Conference on September 6, 1946)

(See Article 10)

1. German-speaking inhabitants of the Bolzano Province and of the neighbouring bilingual townships of the Trento Province will be assured complete equality of rights with the Italian-speaking inhabitants, within the framework of special provisions to safeguard the ethnical character and the cultural and economic development of the German-speaking element.

In accordance with legislation already enacted or awaiting enactment the said German-speaking citizens will be granted in particular:

- (a) elementary and secondary teaching in the mother-tongue;
- (b) parification of the German and Italian languages in public offices and official documents, as well as in bilingual topographic naming;
- (c) the right to re-establish German family names which were italianized in recent years;
- (d) equality of rights as regards the entering upon public offices, with a view to reaching a more appropriate proportion of employment between the two ethnical groups.

2. The populations of the above-mentioned zones will be granted the exercise of autonomous legislative and executive regional power. The frame within which the said provisions of autonomy will apply, will be drafted in consultation also with local representative German-speaking elements.

3. The Italian Government, with the aim of establishing good neighbourhood relations between Austria and Italy, pledges itself, in consultation with the Austrian Government and within one year from the signing of the present Treaty:

- (a) to revise in a spirit of equity and broadmindedness the question of the options for citizenship resulting from the 1939 Hitler-Mussolini agreements;
- (b) to find an agreement for the mutual recognition of the validity of certain degrees and University diplomas;
- (c) to draw up a convention for the free passengers and goods transit between northern and eastern Tyrol both by rail and, to the greatest possible extent, by road;

(d) to reach special agreements aimed at facilitating enlarged frontier traffic and local exchanges of certain quantities of characteristic products and goods between Austria and Italy.

ANNEX V

Water Supply for Gorizia and Vicinity

(See Article 13)

1. Yugoslavia, as the owner, shall maintain and operate the springs and water supply installations at Fonte Fredda and Moncorona and shall maintain the supply of water to that part of the Commune of Gorizia, which, under the terms of the present Treaty, remains in Italy. Italy shall continue to maintain and operate the reservoir and water distribution system within Italian territory which is supplied by the above-mentioned springs and shall maintain the supply of water to those areas in Yugoslavia which, under the terms of the present Treaty, will be transferred to that State and which are supplied from Italian territory.

2. The water so supplied shall be in the amounts which have been customarily supplied to the region in the past. Should consumers in either State require additional supplies of water, the two Governments shall examine the matter jointly with a view to reaching agreement on such measures as may reasonably be required to satisfy these needs. Should there be a temporary reduction in the amount of water available due to natural causes, distribution of water from the above-named sources to the consumers in Yugoslavia and Italy shall be reduced in proportion to their respective previous consumption.

3. The charges to be paid by the Commune of Gorizia to Yugoslavia for the water supplied to it, and the charges to be paid by consumers in Yugoslav territory to the Commune of Gorizia, shall be based solely on the cost of operation and maintenance of the water supply system as well as new capital expenditures which may be required to give effect to these provisions.

4. Yugoslavia and Italy shall, within one month from the coming into force of the present Treaty, enter into an agreement to determine their respective responsibilities under the foregoing provisions and to establish the charges to be paid under these provisions. The two Governments shall establish a joint commission to supervise the execution of the said agreement.

5. Upon the expiration of a ten-year period from the coming into force of the present Treaty, Yugoslavia and Italy shall reexamine the foregoing provisions in the light of conditions at that time in order to determine whether any adjustments should be made in those provisions, and shall make such alterations and additions as they may agree. Any disputes which may arise as a result of this reexamination shall be submitted for settlement under the procedure outlined in Article 87 of the present Treaty.

ANNEX VI

Permanent Statute of the Free Territory of Trieste

(See Article 21)

ARTICLE 1. *Area of Free Territory*

The area of the Free Territory of Trieste shall be the territory within the frontiers described in Article 4 and 22 of the present Treaty as delimited in accordance with Article 5 of the Treaty.

ARTICLE 2. *Integrity and Independence*

The integrity and independence of the Free Territory shall be assured by the Security Council of the United Nations Organization. This responsibility implies that the Council shall:

(a) ensure the observance of the present Statute and in particular the protection of the basic human rights of the inhabitants.

(b) ensure the maintenance of public order and security in the Free Territory.

ARTICLE 3. *Demilitarisation and Neutrality*

1. The Free Territory shall be demilitarised and declared neutral.

2. No armed forces, except upon direction of the Security Council, shall be allowed in the Free Territory.

3. No para-military formations, exercises or activities shall be permitted within the Free Territory.

4. The Government of the Free Territory shall not make or discuss any military arrangements or undertakings with any State.

ARTICLE 4. *Human Rights and Fundamental Freedoms*

The Constitution of the Free Territory shall ensure to all persons under the jurisdiction of the Free Territory, without distinction as to ethnic origin, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly and association. Citizens of the Free Territory shall be assured of equality of eligibility for public office.

ARTICLE 5. *Civil and Political Rights*

No person who has acquired the citizenship of the Free Territory shall be deprived of his civil or political rights except as judicial punishment for the infraction of the penal laws of the Free Territory.

ARTICLE 6. *Citizenship*

1. Italian citizens who were domiciled on June 10, 1940, in the area comprised within the boundaries of the Free Territory, and their children born

after that date, shall become original citizens of the Free Territory with full civil and political rights. Upon becoming citizens of the Free Territory they shall lose their Italian citizenship.

2. The Government of the Free Territory shall, however, provide that the persons referred to in paragraph 1 over the age of eighteen years (or married persons whether under or over that age) whose customary language is Italian shall be entitled to opt for Italian citizenship within six months from the coming into force of the Constitution under conditions to be laid down therein. Any person so opting shall be considered to have re-acquired Italian citizenship. The option of the husband shall not constitute an option on the part of the wife. Option on the part of the father, or if the father is not alive, on the part of the mother, shall, however, automatically include all unmarried children under the age of eighteen years.

3. The Free Territory may require those who take advantage of the option to move to Italy within a year from the date on which the option was exercised.

4. The conditions for the acquisition of citizenship by persons not qualifying for original citizenship shall be determined by the Constituent Assembly of the Free Territory and embodied in the Constitution. Such conditions shall, however, exclude the acquisition of citizenship by members of the former Italian Fascist Police (O.V.R.A.) who have not been exonerated by the competent authorities, including the Allied Military Authorities who were responsible for the administration of the area.

ARTICLE 7. *Official Languages*

The official languages of the Free Territory shall be Italian and Slovene. The Constitution shall determine in what circumstances Croat may be used as a third official language.

ARTICLE 8. *Flag and Coat-of-Arms*

The Free Territory shall have its own flag and coat-of-arms. The flag shall be the traditional flag of the City of Trieste and the arms shall be its historic coat-of-arms.

ARTICLE 9. *Organs of Government*

For the government of the Free Territory there shall be a Governor, a Council of Government, a popular Assembly elected by the people of the Free Territory and a Judiciary, whose respective powers shall be exercised in accordance with the provisions of the present Statute and of the Constitution of the Free Territory.

ARTICLE 10. *Constitution*

1. The Constitution of the Free Territory shall be established in accordance with democratic principles and adopted by a Constituent Assembly

with a two-thirds majority of the votes cast. The Constitution shall be made to conform to the provisions of the present Statute and shall not enter into force prior to the coming into force of the Statute.

2. If in the opinion of the Governor any provisions of the Constitution proposed by the Constituent Assembly or any subsequent amendments thereto are in contradiction to the Statute he may prevent their entry into force, subject to reference to the Security Council if the Assembly does not accept his views and recommendations.

ARTICLE 11. *Appointment of the Governor*

1. The Governor shall be appointed by the Security Council after consultation with the Governments of Yugoslavia and Italy. He shall not be a citizen of Yugoslavia or Italy or of the Free Territory. He shall be appointed for five years and may be reappointed. His salary and allowances shall be borne by the United Nations.

2. The Governor may authorize a person selected by him to act for him in the event of his temporary absence or temporary inability to perform his duties.

3. The Security Council, if it considers that the Governor has failed to carry out his duties, may suspend him and, under appropriate safeguards of investigation and hearing, dismiss him from his office. In the event of his suspension or dismissal or in the event of his death or disability the Security Council may designate or appoint another person to act as Provisional Governor until the Governor recovers from his disability or a new Governor is appointed.

ARTICLE 12. *Legislative Authority*

The legislative authority shall be exercised by a popular Assembly consisting of a single chamber elected on the basis of proportional representation, by the citizens of both sexes of the Free Territory. The elections for the Assembly shall be conducted on the basis of universal, equal, direct and secret suffrage.

ARTICLE 13. *Council of Government*

1. Subject to the responsibilities vested in the Governor under the present Statute, executive authority in the Free Territory shall be exercised by a Council of Government which will be formed by the popular Assembly and will be responsible to the Assembly.

2. The Governor shall have the right to be present at all meetings of the Council of Government. He may express his views on all questions affecting his responsibilities.

3. When matters affecting their responsibilities are discussed by the Council of Government, the Director of Public Security and the Director of the Free Port shall be invited to attend meetings of the Council and to express their views.

ARTICLE 14. *Exercise of Judicial Authority*

The judicial authority in the Free Territory shall be exercised by tribunals established pursuant to the Constitution and laws of the Free Territory.

ARTICLE 15. *Freedom and Independence of Judiciary*

The Constitution of the Free Territory shall guarantee the complete freedom and independence of the Judiciary and shall provide for appellate jurisdiction.

ARTICLE 16. *Appointment of Judiciary*

1. The Governor shall appoint the Judiciary from among candidates proposed by the Council of Government or from among other persons, after consultation with the Council of Government, unless the Constitution provides for a different manner for filling judicial posts; and, subject to safeguards to be established by the Constitution, may remove members of the Judiciary for conduct incompatible with their judicial office.

2. The popular Assembly, by a two-thirds majority of votes cast, may request the Governor to investigate any charge brought against a member of the Judiciary which, if proved, would warrant his suspension or removal.

ARTICLE 17. *Responsibility of the Governor to the Security Council*

1. The Governor, as the representative of the Security Council, shall be responsible for supervising the observance of the present Statute including the protection of the basic human rights of the inhabitants and for ensuring that public order and security are maintained by the Government of the Free Territory in accordance with the present Statute, the Constitution and laws of the Free Territory.

2. The Governor shall present to the Security Council annual reports concerning the operation of the Statute and the performance of his duties.

ARTICLE 18. *Rights of the Assembly*

The popular Assembly shall have the right to consider and discuss any matters affecting the interests of the Free Territory.

ARTICLE 19. *Enactment of Legislation*

1. Legislation may be initiated by members of the popular Assembly and by the Council of Government as well as by the Governor in matters which in his view affect the responsibilities of the Security Council as defined in Article 2 of the present Statute.

2. No law shall enter into force until it shall have been promulgated. The promulgation of laws shall take place in accordance with the provisions of the Constitution of the Free Territory.

3. Before being promulgated legislation enacted by the Assembly shall be presented to the Governor.

4. If the Governor considers that such legislation is in contradiction to the present Statute, he may, within ten days following presentation of such legislation to him, return it to the Assembly with his comments and recommendations. If the Governor does not return the legislation within such ten days or if he advises the Assembly within such period that it calls for no comments or recommendation on his part, the legislation shall be promulgated forthwith.

5. If the Assembly makes manifest its refusal to withdraw legislation returned to the Assembly by the Governor or to amend it in conformity with his comments or recommendations, the Governor shall, unless he is prepared to withdraw his comments or recommendations, in which case the law shall be promulgated forthwith, immediately report the matter to the Security Council. The Governor shall likewise transmit without delay to the Security Council any communication which the Assembly may wish to make to the Council on the matter.

6. Legislation which forms the subject of a report to the Security Council under the provisions of the preceding paragraph shall only be promulgated by the direction of the Security Council.

ARTICLE 20. *Rights of the Governor with Respect to Administrative Measures*

1. The Governor may require the Council of Government to suspend administrative measures which in his view conflict with his responsibilities as defined in the present Statute (observance of the Statute; maintenance of public order and security; respect for human rights). Should the Council of Government object, the Governor may suspend these administrative measures and the Governor or the Council of Government may refer the whole question to the Security Council for decision.

2. In matters affecting his responsibilities as defined in the Statute the Governor may propose to the Council of Government the adoption of any administrative measures. Should the Council of Government not accept such proposals the Governor may, without prejudice to Article 22 of the present Statute, refer the matter to the Security Council for decision.

ARTICLE 21. *Budget*

1. The Council of Government shall be responsible for the preparation of the budget of the Free Territory, including both revenue and expenditure, and for its submission to the popular Assembly.

2. If the Assembly should fail to vote the budget within the proper time limit, the provisions of the budget for the preceding period shall be applied to the new budgetary period until such time as the new budget shall have been voted.

ARTICLE 22. *Special Powers of the Governor*

1. In order that he may carry out his responsibilities to the Security Council under the present Statute, the Governor may, in cases which in his opinion permit of no delay, threatening the independence or integrity of the Free Territory, public order or respect of human rights, directly order and require the execution of appropriate measures subject to an immediate report thereon being made by him to the Security Council. In such circumstances the Governor may himself assume, if he deems it necessary, control of the security services.

2. The popular Assembly may petition the Security Council concerning any exercise by the Governor of his powers under paragraph 1 of this Article.

ARTICLE 23. *Power of Pardon and Reprieve*

The power of pardon and reprieve shall be vested in the Governor and shall be exercised by him in accordance with provisions to be laid down in the Constitution.

ARTICLE 24. *Foreign Relations*

1. The Governor shall ensure that the foreign relations of the Free Territory shall be conducted in conformity with the Statute, Constitution, and laws of the Free Territory. To this end the Governor shall have authority to prevent the entry into force of treaties or agreements affecting foreign relations which, in his judgment, conflict with the Statute, Constitution or laws of the Free Territory.

2. Treaties and agreements, as well as exequaturs and consular commissions, shall be signed jointly by the Governor and a representative of the Council of Government.

3. The Free Territory may be or become a party to international conventions or become a member of international organizations provided the aim of such conventions or organizations is to settle economic, technical, cultural, social or health questions.

4. Economic union or associations of an exclusive character with any State are incompatible with the status of the Free Territory.

5. The Free Territory of Trieste shall recognize the full force of the Treaty of Peace with Italy, and shall give effect to the applicable provisions of that Treaty. The Free Territory shall also recognize the full force of the other agreements or arrangements which have been or will be reached by the Allied and Associated Powers for the restoration of peace.

ARTICLE 25. *Independence of the Governor and Staff*

In the performance of their duties, the Governor and his staff shall not seek or receive instructions from any Government or from any other authority except the Security Council. They shall refrain from any act which might

reflect on their position as international officials responsible only to the Security Council.

ARTICLE 26. *Appointment and Removal of Administrative Officials*

1. Appointments to public office in the Free Territory shall be made exclusively on the ground of ability, competence and integrity.

2. Administrative officials shall not be removed from office except for incompetence or misconduct and such removal shall be subject to appropriate safeguards of investigation and hearing to be established by law.

ARTICLE 27. *Director of Public Security*

1. The Council of Government shall submit to the Governor a list of candidates for the post of Director of Public Security. The Governor shall appoint the Director from among the candidates presented to him, or from among other persons, after consultation with the Council of Government. He may also dismiss the Director of Public Security after consultation with the Council of Government.

2. The Director of Public Security shall not be a citizen of Yugoslavia or Italy.

3. The Director of Public Security shall normally be under the immediate authority of the Council of Government from which he will receive instructions on matters within his competence.

4. The Governor shall:

(a) receive regular reports from the Director of Public Security, and consult with him on any matters coming within the competence of the Director.

(b) be informed by the Council of Government of its instructions to the Director of Public Security and may express his opinion thereon.

ARTICLE 28. *Police Force*

1. In order to preserve public order and security in accordance with the Statute, the Constitution and the laws of the Free Territory, the Government of the Free Territory shall be empowered to maintain a police force and security services.

2. Members of the police force and security services shall be recruited by the Director of Public Security and shall be subject to dismissal by him.

ARTICLE 29. *Local Government*

The Constitution of the Free Territory shall provide for the establishment on the basis of proportional representation of organs of local government on democratic principles, including universal, equal, direct and secret suffrage.

ARTICLE 30. *Monetary System*

The Free Territory shall have its own monetary system.

ARTICLE 31. *Railways*

Without prejudice to its proprietary rights over the railways within its boundaries and its control of the railway administration, the Free Territory may negotiate with Yugoslavia and Italy agreements for the purpose of ensuring the efficient and economical operation of its railways. Such agreements would determine where responsibility lies for the operation of the railways in the direction of Yugoslavia or Italy respectively and also for the operation of the railway terminal of Trieste and of that part of the line which is common to all. In the latter case such operation may be effected by a special commission comprised of representatives of the Free Territory, Yugoslavia and Italy under the chairmanship of the representative of the Free Territory.

ARTICLE 32. *Commercial Aviation*

1. Commercial aircraft registered in the territory of any one of the United Nations which grants on its territory the same rights to commercial aircraft registered in the Free Territory, shall be granted international commercial aviation rights, including the right to land for refueling and repairs, to fly over the Free Territory without landing and to use for traffic purposes such airports as may be designated by the competent authorities of the Free Territory.

2. These rights shall not be subject to any restrictions other than those imposed on a basis of non-discrimination by the laws and regulations in force in the Free Territory and in the countries concerned or resulting from the special character of the Free Territory as neutral and demilitarized.

ARTICLE 33. *Registration of Vessels*

1. The Free Territory is entitled to open registers for the registration of ships and vessels owned by the Government of the Free Territory or by persons or organisations domiciled within the Free Territory.

2. The Free Territory shall open special maritime registers for Czechoslovak and Swiss ships and vessels upon request of these Governments, as well as for Hungarian and Austrian ships and vessels upon the request of these Governments after the conclusion of the Treaty of Peace with Hungary and the treaty for the reestablishment of the independence of Austria respectively. Ships and vessels entered in these registers shall fly the flags of their respective countries.

3. In giving effect to the foregoing provisions, and subject to any international convention which may be entered into concerning these questions, with the participation of the Government of the Free Territory, the latter

shall be entitled to impose such conditions governing the registration, retention on and removal from the registers as shall prevent any abuses arising from the facilities thus granted. In particular as regards ships and vessels registered under paragraph 1 above, registration shall be limited to ships and vessels controlled from the Free Territory and regularly serving the needs or the interests of the Free Territory. In the case of ships and vessels registered under paragraph 2 above, registration shall be limited to ships and vessels based on the Port of Trieste and regularly and permanently serving the needs of their respective countries through the Port of Trieste.

ARTICLE 34. *Free Port*

A free port shall be established in the Free Territory and shall be administered on the basis of the provisions of an international instrument drawn up by the Council of Foreign Ministers, approved by the Security Council, and annexed to the present Treaty (Annex VIII). The Government of the Free Territory shall enact all necessary legislation and take all necessary steps to give effect to the provisions of such instrument.

ARTICLE 35. *Freedom of Transit*

Freedom of transit shall, in accordance with customary international agreements, be assured by the Free Territory and the States whose territories are traversed to goods transported by railroad between the Free Port and the States which it serves, without any discrimination and without customs duties or charges other than those levied for services rendered.

ARTICLE 36. *Interpretation of Statute*

Except where another procedure is specifically provided under any Article of the present Statute, any dispute relating to the interpretation or execution of the Statute, not resolved by direct negotiations, shall, unless the parties mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 37. *Amendment of Statute*

This Statute shall constitute the permanent Statute of the Free Territory, subject to any amendment which may hereafter be made by the Security Council. Petitions for the amendment of the Statute may be presented to

the Security Council by the popular Assembly upon a vote taken by a two-thirds majority of the votes cast.

ARTICLE 38. *Coming into Force of Statute*

The present Statute shall come into force on a date which shall be determined by the Security Council of the United Nations Organisation.

ANNEX VII

Instrument for the Provisional Regime of the Free Territory of Trieste

(See Article 21)

The present provisions shall apply to the administration of the Free Territory of Trieste pending the coming into force of the Permanent Statute.

ARTICLE 1

The Governor shall assume office in the Free Territory at the earliest possible moment after the coming into force of the present Treaty. Pending assumption of office by the Governor, the Free Territory shall continue to be administered by the Allied military commands within their respective zones.

ARTICLE 2

On assuming office in the Free Territory of Trieste the Governor shall be empowered to select from among persons domiciled in the Free Territory and after consultation with the Governments of Yugoslavia and Italy a Provisional Council of Government. The Governor shall have the right to make changes in the composition of the Provisional Council of Government whenever he deems it necessary. The Governor and the Provisional Council of Government shall exercise their functions in the manner laid down in the provisions of the Permanent Statute as and when these provisions prove to be applicable and in so far as they are not superseded by the present Instrument. Likewise all other provisions of the Permanent Statute shall be applicable during the period of the Provisional Regime as and when these provisions prove to be applicable and in so far as they are not superseded by the present Instrument. The Governor's actions will be guided mainly by the needs of the population and its well being.

ARTICLE 3

The seat of Government will be established in Trieste. The Governor will address his reports directly to the Chairman of the Security Council and will, through that channel, supply the Security Council with all necessary information on the administration of the Free Territory.

ARTICLE 4

The first concern of the Governor shall be to ensure the maintenance of public order and security. He shall appoint on a provisional basis a Director of Public Security, who will reorganize and administer the police force and security services.

ARTICLE 5

(a) From the coming into force of the present Treaty, troops stationed in the Free Territory shall not exceed 5,000 men for the United Kingdom, 5,000 men for the United States of America and 5,000 men for Yugoslavia.

(b) These troops shall be placed at the disposal of the Governor for a period of 90 days after his assumption of office in the Free Territory. As from the end of that period, they will cease to be at the disposal of the Governor and will be withdrawn from the Territory within a further period of 45 days, unless the Governor advises the Security Council that, in the interests of the Territory, some or all of them should not, in his view, be withdrawn. In the latter event, the troops required by the Governor shall remain until not later than 45 days after the Governor has advised the Security Council that the security services can maintain internal order in the Territory without the assistance of foreign troops.

(c) The withdrawal prescribed in paragraph (b) shall be carried out so as to maintain, in so far as possible, the ratio prescribed in paragraph (a) between the troops of the three Powers concerned.

ARTICLE 6

The Governor shall have the right at any time to call upon the Commanders of such contingents for support and such support shall be given promptly. The Governor shall, whenever possible, consult with the Commanders concerned before issuing his instructions but shall not interfere with the military handling of the forces in the discharge of his instructions. Each Commander has the right to report to his Government the instructions which he has received from the Governor, informing the Governor of the contents of such reports. The Government concerned shall have the right to refuse the participation of its forces in the operation in question, informing the Security Council accordingly.

ARTICLE 7

The necessary arrangements relating to the stationing, administration and supply of the military contingents made available by the United Kingdom, the United States of America, and Yugoslavia shall be settled by agreement between the Governor and the Commanders of those contingents.

ARTICLE 8

The Governor, in consultation with the Provisional Council of Government, shall be responsible for organizing the elections of Members of the Constituent Assembly in accordance with the conditions provided for in the Statute for elections to the popular Assembly.

The elections shall be held not later than four months after the Governor's assumption of office. In case this is technically impossible the Governor shall report to the Security Council.

ARTICLE 9

The Governor will, in consultation with the Provisional Council of Government, prepare the provisional budget and the provisional export and import programmes and will satisfy himself that appropriate arrangements are made by the Provisional Council of Government for the administration of the finances of the Free Territory.

ARTICLE 10

Existing laws and regulations shall remain valid unless and until revoked or suspended by the Governor. The Governor shall have the right to amend existing laws and regulations and to introduce new laws and regulations in agreement with the majority of the Provisional Council of Government. Such amended and new laws and regulations, as well as the acts of the Governor in regard to the revocation or suspension of laws and regulations, shall be valid unless and until they are amended, revoked or superseded by acts of the popular Assembly or the Council of Government within their respective spheres after the entry into force of the Constitution.

ARTICLE 11

Pending the establishment of a separate currency regime for the Free Territory the Italian lira shall continue to be the legal tender within the Free Territory. The Italian Government shall supply the foreign exchange and currency needs of the Free Territory under conditions no less favorable than those applying in Italy.

Italy and the Free Territory shall enter into an agreement to give effect to the above provisions as well as to provide for any settlement between the two Governments which may be required.

ANNEX VIII

Instrument for the Free Port of Trieste

ARTICLE 1

1. In order to ensure that the port and transit facilities of Trieste will be available for use on equal terms by all international trade and by Yugoslavia,

Italy and the States of Central Europe, in such manner as is customary in other free ports of the world:

(a) There shall be a customs free port in the Free Territory of Trieste within the limits provided for by or established in accordance with Article 3 of the present Instrument.

(b) Goods passing through the Free Port of Trieste shall enjoy freedom of transit as stipulated in Article 16 of the present Instrument.

2. The international regime of the Free Port shall be governed by the provisions of the present Instrument.

ARTICLE 2

1. The Free Port shall be established and administered as a State corporation of the Free Territory, having all the attributes of a juridical person and functioning in accordance with the provisions of this Instrument.

2. All Italian state and para-statal property within the limits of the Free Port which, according to the provisions of the present Treaty, shall pass to the Free Territory shall be transferred, without payment, to the Free Port.

ARTICLE 3

1. The area of the Free Port shall include the territory and installations of the free zones of the port of Trieste within the limits of the 1939 boundaries.

2. The establishment of special zones in the Free Port under the exclusive jurisdiction of any State is incompatible with the status of the Free Territory and of the Free Port.

3. In order, however, to meet the special needs of Yugoslav and Italian shipping in the Adriatic, the Director of the Free Port, on the request of the Yugoslav or Italian Government and with the concurring advice of the International Commission provided for in Article 21 below, may reserve to merchant vessels flying the flags of either of these two States the exclusive use of berthing spaces within certain parts of the area of the Free Port.

4. In case it shall be necessary to increase the area of the Free Port such increase may be made upon the proposal of the Director of the Free Port by decision of the Council of Government with the approval of the popular Assembly.

ARTICLE 4

Unless otherwise provided for by the present Instrument the laws and regulations in force in the Free Territory shall be applicable to persons and property within the boundaries of the Free Port and the authorities responsible for their application in the Free Territory shall exercise their functions within the limits of the Free Port.

ARTICLE 5

1. Merchant vessels and goods of all countries shall be allowed unrestricted access to the Free Port for loading and discharge both for goods in transit and goods destined for or proceeding from the Free Territory.

2. In connection with importation into or exportation from or transit through the Free Port, the authorities of the Free Territory shall not levy on such goods customs duties or charges other than those levied for services rendered.

3. However, in respect of goods, imported through the Free Port for consumption within the Free Territory or exported from this Territory through the Free Port, appropriate legislation and regulations in force in the Free Territory shall be applied.

ARTICLE 6

Warehousing, storing, examining, sorting, packing and repacking and similar activities which have customarily been carried on in the free zones of the port of Trieste shall be permitted in the Free Port under the general regulations established by the Director of the Free Port.

ARTICLE 7

1. The Director of the Free Port may also permit the processing of goods in the Free Port.

2. Manufacturing activities in the Free Port shall be permitted to those enterprises which existed in the free zones of the port of Trieste before the coming into force of the present Instrument. Upon the proposal of the Director of the Free Port, the Council of Government may permit the establishment of new manufacturing enterprises within the limits of the Free Port.

ARTICLE 8

Inspection by the authorities of the Free Territory shall be permitted within the Free Port to the extent necessary to enforce the customs or other regulations of the Free Territory for the prevention of smuggling.

ARTICLE 9

1. The authorities of the Free Territory will be entitled to fix and levy harbour dues in the Free Port.

2. The Director of the Free Port shall fix all charges for the use of the facilities and services of the Free Port. Such charges shall be reasonable and be related to the cost of operation, administration, maintenance and development of the Free Port.

ARTICLE 10

In the fixing and levying in the Free Port of harbour dues and other charges under Article 9 above, as well as in the provision of the services and

facilities of the Free Port, there shall be no discrimination in respect of the nationality of the vessels, the ownership of the goods or on any other grounds.

ARTICLE 11

The passage of all persons into and out of the Free Port area shall be subject to such regulations as the authorities of the Free Territory shall establish. These regulations, however, shall be established in such a manner as not unduly to impede the passage into and out of the Free Port of nationals of any State who are engaged in any legitimate pursuit in the Free Port area.

ARTICLE 12

The rules and bye-laws operative in the Free Port and likewise the schedules of charges levied in the Free Port must be made public.

ARTICLE 13

Coastwise shipping and coastwise trade within the Free Territory shall be carried on in accordance with regulations issued by the authorities of the Free Territory, the provisions of the present Instrument not being deemed to impose upon such authorities any restrictions in this respect.

ARTICLE 14

Within the boundaries of the Free Port, measures for the protection of health and measures for combating animal and plant diseases in respect of vessels and cargoes shall be applied by the authorities of the Free Territory.

ARTICLE 15

It shall be the duty of the authorities of the Free Territory to provide the Free Port with water supplies, gas, electric light and power, communications, drainage facilities and other public services and also to ensure police and fire protection.

ARTICLE 16

1. Freedom of transit shall, in accordance with customary international agreements, be assured by the Free Territory and the States whose territories are traversed to goods transported by railroad between the Free Port and the States which it serves, without any discrimination and without customs duties or charges other than those levied for services rendered.

2. The Free Territory and the States assuming the obligations of the present Instrument through whose territory such traffic passes in transit in either direction shall do all in their power to provide the best possible facilities in all respects for the speedy and efficient movement of such traffic at a reasonable cost, and shall not apply with respect to the movement of goods to and

from the Free Port any discriminatory measures with respect to rates, services, customs, sanitary, police or any other regulations.

3. The States assuming the obligations of the present Instrument shall take no measures regarding regulations or rates which would artificially divert traffic from the Free Port for the benefit of other seaports. Measures taken by the Government of Yugoslavia to provide for traffic to ports in southern Yugoslavia shall not be considered as measures designed to divert traffic artificially.

ARTICLE 17

The Free Territory and the States assuming the obligations of the present Instrument shall, within their respective territories and on non-discriminatory terms, grant in accordance with customary international agreements freedom of postal, telegraphic, and telephonic communications between the Free Port area and any country for such communications as originate in or are destined for the Free Port area.

ARTICLE 18

1. The administration of the Free Port shall be carried on by the Director of the Free Port who will represent it as a juridical person. The Council of Government shall submit to the Governor a list of qualified candidates for the post of Director of the Free Port. The Governor shall appoint the Director from among the candidates presented to him after consultation with the Council of Government. In case of disagreement the matter shall be referred to the Security Council. The Governor may also dismiss the Director upon the recommendation of the International Commission or the Council of Government.

2. The Director shall not be a citizen of Yugoslavia or Italy.

3. All other employees of the Free Port will be appointed by the Director. In all appointments of employees preference shall be given to citizens of the Free Territory.

ARTICLE 19

Subject to the provisions of the present Instrument, the Director of the Free Port shall take all reasonable and necessary measures for the administration, operation, maintenance and development of the Free Port as an efficient port adequate for the prompt handling of all the traffic of that port. In particular, the Director shall be responsible for the execution of all kinds of port works in the Free Port, shall direct the operation of port installations and other port equipment, shall establish, in accordance with legislation of the Free Territory, conditions of labour in the Free Port, and shall also supervise the execution in the Free Port of orders and regulations of the authorities of the Free Territory in respect to navigation.

ARTICLE 20

1. The Director of the Free Port shall issue such rules and bye-laws as he considers necessary in the exercise of his functions as prescribed in the preceding Article.

2. The autonomous budget of the Free Port will be prepared by the Director, and will be approved and applied in accordance with legislation to be established by the popular Assembly of the Free Territory.

3. The Director of the Free Port shall submit an annual report on the operations of the Free Port to the Governor and the Council of Government of the Free Territory. A copy of the report shall be transmitted to the International Commission.

ARTICLE 21

1. There shall be established an International Commission of the Free Port, hereinafter called "the International Commission", consisting of one representative from the Free Territory and from each of the following States: France, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the United States of America, the People's Federal Republic of Yugoslavia, Italy, Czechoslovakia, Poland, Switzerland, Austria and Hungary, provided that such State has assumed the obligations of the present Instrument.

2. The representative of the Free Territory shall be the permanent Chairman of the International Commission. In the event of a tie in voting, the vote cast by the Chairman shall be decisive.

ARTICLE 22

The International Commission shall have its seat in the Free Port. Its offices and activities shall be exempt from local jurisdiction. The members and officials of the International Commission shall enjoy in the Free Territory such privileges and immunities as are necessary for the independent exercise of their functions. The International Commission shall decide upon its own secretariat, procedure and budget. The common expenses of the International Commission shall be shared by member States in an equitable manner as agreed by them through the International Commission.

ARTICLE 23

The International Commission shall have the right to investigate and consider all matters relating to the operation, use, and administration of the Free Port or to the technical aspects of transit between the Free Port and the States which it serves, including unification of handling procedures. The International Commission shall act either on its own initiative or when such matters have been brought to its attention by any State or by the Free Territory or by the Director of the Free Port. The International Commission shall communi-

cate its views or recommendations on such matters to the State or States concerned, or to the Free Territory, or to the Director of the Free Port. Such recommendations shall be considered and the necessary measures shall be taken. Should the Free Territory or the State or States concerned deem, however, that such measures would be inconsistent with the provisions of the present Instrument, the matter may at the request of the Free Territory or any interested State be dealt with as provided in Article 24 below.

ARTICLE 24

Any dispute relating to the interpretation or execution of the present Instrument, not resolved by direct negotiations, shall, unless the parties mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 25

Proposals for amendments to the present Instrument may be submitted to the Security Council by the Council of Government of the Free Territory or by three or more States represented on the International Commission. An amendment approved by the Security Council shall enter into force on the date determined by the Security Council.

ARTICLE 26

For the purposes of the present Instrument a State shall be considered as having assumed the obligations of this Instrument if it is a party to the Treaty of Peace with Italy or has notified the Government of the French Republic of its assumption of such obligations.

ANNEX IX

Technical Dispositions Regarding the Free Territory of Trieste

(See Article 21)

A. WATER SUPPLY TO NORTHWESTERN ISTRIA

Yugoslavia shall continue to supply water to the region of northwestern Istria within the Free Territory of Trieste from the spring of San Giovanni de Pingente through the Quieto water supply system and from the spring

of Santa Maria del Risano through the Risano system. The water so supplied shall be in such amounts, not substantially exceeding those amounts which have been customarily supplied to the region, and at such rates of flow, as the Free Territory may request, but within limits imposed by natural conditions. Yugoslavia shall maintain the water conduits, reservoirs, pumps, purifying systems and such other works within Yugoslav territory as may be required to fulfill this obligation. Temporary allowance must be made in respect of the foregoing obligations on Yugoslavia for necessary repair of war damage to water supply installations. The Free Territory shall pay a reasonable price for the water thus supplied, which price should represent a proportionate share, based on the quantity of water consumed within the Free Territory, of the total cost of operation and maintenance of the Quieto and the Risano water supply systems. Should, in the future, additional supplies of water be required by the Free Territory, Yugoslavia undertakes to examine the matter jointly with the authorities of the Free Territory and by agreement to take such measures as are reasonable to meet these requirements.

B. ELECTRICITY SUPPLIES

1. Yugoslavia and Italy shall maintain the existing supply of electricity to the Free Territory of Trieste, furnishing to the Free Territory such quantities of electricity at such rates of output as the latter may require. The quantities furnished need not at first substantially exceed those which have been customarily supplied to the area comprised in the Free Territory, but Italy and Yugoslavia shall, on request of the Free Territory, furnish increasing amounts as the requirements of the Free Territory grow, provided that any increase of more than 20% over the amount normally furnished to the Free Territory from the respective sources shall be the subject of an agreement between the interested Governments.

2. The price to be charged by Yugoslavia or by Italy and to be paid by the Free Territory for the electricity furnished to it shall be no higher than the price charged in Yugoslavia or in Italy for the supply of similar quantities of hydro-electricity from the same sources in Yugoslav or Italian territory.

3. Yugoslavia, Italy and the Free Territory shall exchange information continuously concerning the flow and storage of water and the output of electricity in respect of stations supplying the former Italian *compartimento* of Venezia Giulia, so that each of the three parties will be in a position to determine its requirements.

4. Yugoslavia, Italy and the Free Territory shall maintain in good and substantial condition all of the electrical plants, transmission lines, substations and other installations which are required for the continued supply of electricity to the former Italian *compartimento* of Venezia Giulia.

5. Yugoslavia shall ensure that the existing and any future power installations on the Isonzo (Soca) are operated so as to provide that such supplies of water as Italy may from time to time request may be diverted from the Isonzo (Soca) for irrigation in the region from Gorizia southwestward to the Adriatic. Italy may not claim the right to the use of water from the Isonzo (Soca) in greater volume or under more favorable conditions than has been customary in the past.

6. Yugoslavia, Italy and the Free Territory shall, through joint negotiations, adopt a mutually agreeable convention in conformity with the foregoing provisions for the continuing operation of the electricity system which serves the former Italian *compartimento* of Venezia Giulia. A mixed commission with equal representation of the three Governments shall be established for supervising the execution of the obligations arising under paragraphs 1 to 5 above.

7. Upon the expiration of a ten-year period from the coming into force of the present Treaty, Yugoslavia, Italy and the Free Territory shall re-examine the foregoing provisions in the light of conditions at that time in order to determine which, if any, of the foregoing obligations are no longer required, and shall make such alterations, deletions and additions as may be agreed upon by the parties concerned. Any disputes which may arise as a result of this re-examination shall be submitted for settlement under the procedure outlined in Article 87 of the present Treaty.

C. FACILITIES FOR LOCAL FRONTIER TRADE

Yugoslavia and the Free Territory of Trieste, and Italy and the Free Territory of Trieste, shall, within one month of the coming into force of the present Treaty, undertake negotiations to provide arrangements which shall facilitate the movement across the frontiers between the Free Territory and the adjacent areas of Yugoslavia and Italy of foodstuffs and other categories of commodities which have customarily moved between those areas in local trade, provided these commodities are grown, produced or manufactured in the respective territories. This movement may be facilitated by appropriate measures, including the exemption of such commodities, up to agreed quantities or values, from tariffs, customs charges, and export or import taxes of any kind when such commodities are moving in local trade.

ANNEX X

Economic and Financial Provisions Relating to the Free Territory of Trieste

1. The Free Territory of Trieste shall receive, without payment, Italian State and para-statal property within the Free Territory.

The following are considered as State or para-statal property for the purposes of this Annex: movable and immovable property of the Italian State,

of local authorities and of public institutions and publicly owned companies and associations, as well as movable and immovable property formerly belonging to the Fascist Party or its auxiliary organizations.

2. All transfers effected after September 3, 1943, of Italian State and para-statal property as defined in paragraph 1 above shall be deemed null and void. This provision shall not, however, extend to lawful acts relating to current operations of State and para-statal agencies in so far as they concern the sale, within normal limits, of goods ordinarily produced by them or sold in the execution of normal commercial arrangements or in the normal course of governmental administrative activities.

3. Submarine cables owned by the Italian State or by Italian para-statal organizations shall fall within the provisions of paragraph 1 so far as concerns terminal facilities and the lengths of cables lying within territorial waters of the Free Territory.

4. Italy shall hand over to the Free Territory all relevant archives and documents of an administrative character or historical value concerning the Free Territory or relating to property transferred under paragraph 1 of this Annex. The Free Territory shall hand over to Yugoslavia all documents of the same character relating to territory ceded to Yugoslavia under the present Treaty, and to Italy all documents of the same character which may be in the Free Territory and which relate to Italian territory.

Yugoslavia declares herself ready to hand over to the Free Territory all archives and documents of an administrative character concerning and required exclusively for the administration of the Free Territory, which are of a kind which were usually held before September 3, 1943, by the local authorities having jurisdiction over what now forms part of the Free Territory.

5. The Free Territory shall be exempt from the payment of the Italian public debt, but shall assume the obligations of the Italian State towards holders who continue to reside in the Free Territory, or who, being juridical persons, retain their *siège social* or principal place of business there, in so far as these obligations correspond to that portion of this debt which has been issued prior to June 10, 1940, and is attributable to public works and civil administrative services of benefit to the said Territory but not attributable directly or indirectly to military purposes.

Full proof of the source of such holdings may be required from the holders.

Italy and the Free Territory shall conclude arrangements to determine the portion of the Italian public debt referred to in this paragraph and the methods for giving effect to these provisions.

6. The future status of external obligations secured by charges upon the property or revenues of the Free Territory shall be governed by further agreements between the parties concerned.

7. Special arrangements shall be concluded between Italy and the Free Territory to govern the conditions under which the obligations of Italian public or private social insurance organizations towards the inhabitants of the Free Territory, and a proportionate part of the reserves accumulated by the said organizations, shall be transferred to similar organizations in the Free Territory.

Similar arrangements shall also be concluded between the Free Territory and Italy, and between the Free Territory and Yugoslavia, to govern the obligations of public and private social insurance organizations whose *siège social* is in the Free Territory, with regard to policy holders or subscribers residing respectively in Italy or in territory ceded to Yugoslavia under the present Treaty.

Similar arrangements shall also be concluded between the Free Territory and Yugoslavia to govern the obligations of public and private social insurance organizations whose *siège social* is in territory ceded to Yugoslavia under the present Treaty, with regard to policy holders or subscribers residing in the Free Territory.

8. Italy shall continue to be liable for the payment of civil or military pensions earned, as of the coming into force of the present Treaty, for service under the Italian State, municipal or other local government authorities, by persons who under the Treaty acquire the nationality of the Free Territory, including pension rights not yet matured. Arrangements shall be concluded between Italy and the Free Territory providing for the method by which this liability shall be discharged.

9. The property, rights and interests of Italian nationals who became domiciled in the Free Territory after June 10, 1940, and of persons who opt for Italian citizenship pursuant to the Statute of the Free Territory of Trieste shall, provided they have been lawfully acquired, be respected in the same measure as the property, rights and interests of nationals of the Free Territory generally, for a period of three years from the coming into force of the Treaty.

The property, rights and interests within the Free Territory of other Italian nationals and also of Italian juridical persons, provided they have been lawfully acquired, shall be subject only to such legislation as may be enacted from time to time regarding the property of foreign nationals and juridical persons generally.

10. Persons who opt for Italian nationality and move to Italy shall be permitted, after the settlement of any debts or taxes due from them in the Free Territory, to take with them their movable property and transfer their funds, provided such property and funds were lawfully acquired. No export or import duties shall be imposed in connection with the moving of such property. Further, they shall be permitted to sell their movable and immovable property under the same conditions as nationals of the Free Territory.

The removal of property to Italy will be effected under conditions which will not be in contradiction to the Constitution of the Free Territory and in a manner which will be agreed upon between Italy and the Free Territory. The conditions and the time periods of the transfer of the funds, including the proceeds of sales, shall be determined in the same manner.

11. The property, rights and interests of former Italian nationals, resident in the Free Territory, who become nationals of the Free Territory under the present Treaty, existing in Italy at the coming into force of the Treaty, shall be respected by Italy in the same measure as the property, rights and interests of Italian nationals generally, for a period of three years from the coming into force of the Treaty.

Such persons are authorized to effect the transfer and the liquidation of their property, rights and interests under the same conditions as are provided for under paragraph 10 above.

12. Companies incorporated under Italian law and having *siège social* in the Free Territory, which wish to remove *siège social* to Italy or Yugoslavia, shall likewise be dealt with under the provisions of paragraph 10 above, provided that more than fifty per cent. of the capital of the company is owned by persons usually resident outside the Free Territory, or by persons who move to Italy or Yugoslavia.

13. Debts owed by persons in Italy, or in territory ceded to Yugoslavia, to persons in the Free Territory, or by persons in the Free Territory to persons in Italy or in territory ceded to Yugoslavia, shall not be affected by the cession. Italy, Yugoslavia and the Free Territory undertake to facilitate the settlement of such obligations. As used in this paragraph, the term "persons" includes juridical persons.

14. The property in the Free Territory of any of the United Nations and its nationals, if not already freed from Italian measures of sequestration or control and returned to its owner, shall be returned in the condition in which it now exists.

15. Italy shall return property unlawfully removed after September 3, 1943, from the Free Territory to Italy. Paragraphs 2, 3, 4, 5 and 6 of Article 75 shall govern the application of this obligation except as regards property provided for elsewhere in this Annex.

The provisions of paragraphs 1, 2, 5 and 6 of Article 75 shall apply to the restitution by the Free Territory of property removed from the territory of any of the United Nations during the war.

16. Italy shall return to the Free Territory in the shortest possible time any ships in Italian possession which were owned on September 3, 1943, by natural persons resident in the Free Territory who acquire the nationality of the Free Territory under the present Treaty, or by Italian juridical persons having and retaining *siège social* in the Free Territory, except any ships which have been the subject of a bona fide sale.

17. Italy and the Free Territory, and Yugoslavia and the Free Territory, shall conclude agreements providing for a just and equitable apportionment of the property of any existing local authority whose area is divided by any frontier settlement under the present Treaty, and for a continuance to the inhabitants of necessary communal services not specifically covered in other parts of the Treaty.

Similar agreements shall be concluded for a just and equitable allocation of rolling stock and railway equipment and of dock and harbour craft and equipment, as well as for any other outstanding economic matters not covered by this Annex.

18. Citizens of the Free Territory shall, notwithstanding the transfer of sovereignty and any change of nationality consequent thereon, continue to enjoy in Italy all the rights in industrial, literary and artistic property to which they were entitled under the legislation in force in Italy at the time of the transfer.

The Free Territory shall recognize and give effect to rights of industrial, literary and artistic property existing in the Free Territory under Italian laws in force at the time of transfer, or to be re-established or restored in accordance with Annex XV, part A of the present Treaty. These rights shall remain in force in the Free Territory for the same period as that for which they would have remained in force under the laws of Italy.

19. Any dispute which may arise in giving effect to this Annex shall be dealt with in the same manner as provided in Article 83 of the present Treaty.

20. Paragraphs 1, 3 and 5 of Article 76; Article 77; paragraph 3 of Article 78; Article 81; Annex XV, part A; Annex XVI and Annex XVII, part B, shall apply to the Free Territory in like manner as to Italy.

ANNEX XI

Joint Declaration by the Governments of the Soviet Union, of the United Kingdom, of the United States of America and of France concerning Italian Territorial Possessions in Africa

(See Article 23)

1. The Governments of the Union of Soviet Socialist Republics, of the United Kingdom of Great Britain and Northern Ireland, of the United States of America, and of France agree that they will, within one year from the coming into force of the Treaty of Peace with Italy bearing the date of February 10, 1947, jointly determine the final disposal of Italy's territorial possessions in Africa, to which, in accordance with Article 23 of the Treaty, Italy renounces all right and title.

2. The final disposal of the territories concerned and the appropriate adjustment of their boundaries shall be made by the Four Powers in the light

of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of other interested Governments.

3. If with respect to any of these territories the Four Powers are unable to agree upon their disposal within one year from the coming into force of the Treaty of Peace with Italy, the matter shall be referred to the General Assembly of the United Nations for a recommendation, and the Four Powers agree to accept the recommendation and to take appropriate measures for giving effect to it.

4. The Deputies of the Foreign Ministers shall continue the consideration of the question of the disposal of the former Italian Colonies with a view to submitting to the Council of Foreign Ministers their recommendations on this matter. They shall also send out commissions of investigation to any of the former Italian Colonies in order to supply the Deputies with the necessary data on this question and to ascertain the views of the local population.

ANNEX XII

(See Article 56)

The names in this Annex are those which were used in the Italian Navy on June 1, 1946.

A. LIST OF NAVAL VESSELS TO BE RETAINED BY ITALY

MAJOR WAR VESSELS

<i>Battleships</i>	Andrea Doria Caio Duilio	<i>Torpedo Boats</i>	Rosalino Pilo Sagittario Sirio
<i>Cruisers</i>	Luigi di Savoia Duca degli Abruzzi Giuseppe Garibaldi Raimondo Montecuc- coli Luigi Cadorna	<i>Corvettes</i>	Ape Baionetta Chimera Cormorano Danaide
<i>Destroyers</i>	Carabinieri Granatiere Grecale Nicoloso da Recco		Driade Fenice Flora Folaga Gabbiano
<i>Torpedo Boats</i>	Giuseppe Cesare Abba Aretusa Calliope Giacinto Carini Cassiopea Clio Nicola Fabrizi Ernesto Giovannini Libra Monzambano Antonio Mosto Orione Orsa		Gru Ibis Minerva Pellicano Pomona Scimittara Sfinge Sibilla Urania

Together with one corvette to be salvaged, completed or constructed.

MINOR WAR VESSELS

Minesweepers R. D. Nos. 20, 32, 34, 38, 40, 41, 102, 103, 104, 105, 113, 114, 129, 131, 132, 133, 134, 148, 149, together with 16 YMS type acquired from the United States of America.

Vedettes VAS Nos. 201, 204, 211, 218, 222, 224, 233, 235

AUXILIARY NAVAL VESSELS

<i>Fleet Tankers</i>	Nettuno	<i>Tugs (large)</i>	San Pietro
	Lete		San Vito
<i>Water Carriers</i>	Arno		Ventimiglia
	Frigido	<i>Tugs (small)</i>	Argentario
	Mincio		Astico
	Ofanto		Cordevole
	Oristano		Generale Pozzi
	Pescara		Irene
	Po		Passero
	Sesia		Porto Rosso
	Simeto		Porto Vecchio
	Stura		San Bartolomeo
	Tronto		San Benedetto
	Vipacco		Tagliamento
<i>Tugs (large)</i>	Abbazia		N 1
	Asinara		N 4
	Atlante		N 5
	Capraia		N 9
	Chioggia		N 22
	Emilio		N 26
	Gagliardo		N 27
	Gorgona		N 32
	Licosa		N 47
	Lilibeo		N 52
	Linosa		N 53
	Mestre		N 78
	Piombino		N 96
	Porto Empedocle		N 104
	Porto Fossone		RLN 1
	Porto Pisano		RLN 3
	Porto Rose		RLN 9
	Porto Recanati		RLN 10
<i>Training Ship</i>		Amerigo Vespucci	
<i>Transports</i>		Amalia Messina	
		Montegrappa	
		Tarantola	
<i>Supply Ship</i>		Giuseppe Miraglia	
<i>Repair Ship</i>		Antonio Pacinotti (after conversion from S/M Depot Ship)	
<i>Surveying Ships</i>		Azio (after conversion from minelayer)	
		Cherso	
<i>Lighthouse-Service Vessel</i>		Buffoluto	
<i>Cable Ship</i>		Rampino	

B. LIST OF NAVAL VESSELS TO BE PLACED AT THE DISPOSAL OF THE GOVERNMENTS OF THE SOVIET UNION, OF THE UNITED KINGDOM, OF THE UNITED STATES OF AMERICA, AND OF FRANCE

MAJOR WAR VESSELS

<i>Battleships</i>	Giulio Cesare Italia Vittorio Veneto	<i>Torpedo Boats</i>	Aliseo Animoso Ardimentoso Ariete Fortunale Indomito
<i>Cruisers</i>	Emanuele Filiberto Duca d'Aosta Pompeo Magno Atilio Regolo Eugenio di Savoia Scipione Africano	<i>Submarines</i>	Alagi Atropo Dandolo Giada Marea Nichelio Platino Vortice
<i>Sloop</i>	Eritrea		
<i>Destroyers</i>	Artigliere Fuciliere Legionario Mitragliere Alfredo Oriani Augusto Riboty Vclite		

MINOR WAR VESSELS

<i>M.T.Bs</i>	MS Nos. 11, 24, 31, 35, 52, 53, 54, 55, 61, 65, 72, 73, 74, 75. MAS Nos. 433, 434, 510, 514, 516, 519, 520, 521, 523, 538, 540, 543, 545, 547, 562. ME Nos. 38, 40, 41. RD Nos. 6, 16, 21, 25, 27, 28, 29.
<i>Minesweepers</i>	Illyria
<i>Gunboat</i>	VAS Nos. 237, 240, 241, 245, 246, 248.
<i>Vedettes</i>	MZ Nos. 713, 717, 722, 726, 728, 729, 737, 744, 758, 776, 778, 780, 781, 784, 800, 831.
<i>Landing Craft</i>	

AUXILIARY NAVAL VESSELS

<i>Tankers</i>	Prometeo Stige Tarvisio Urano	<i>Tugs (large)</i>	Arsachena Basiluzzo Capo d'Istria Carbonara Cefalu Ercole Gaeta Lampedusa Lipari Liscanera Marechiaro Mesco Molara Nereo Porto Adriano Porto Conte Porto Quieto Porto Torres
<i>Water Carriers</i>	Anapo Aterno Basento Bisagno Dalmazia Idria Isarco Istria Liri Metauro Polcevera Sprugola Timavo Tirso		

<i>Tugs (large)</i>	Porto Tricase	<i>Tugs (small)</i>	N 2
	Procida		N 3
	Promontore		N 23
	Rapallo		N 24
	Salvore		N 28
	San Angelo		N 35
	San Antioco		N 36
	San Remo		N 37
	Talamone		N 80
	Taormina		N 94
	Teulada	<i>Depot Ship</i>	Anteo
	Tifeo	<i>Training Ship</i>	Cristoforo Colombo
	Vado	<i>Auxiliary Mine-</i>	
	Vigoroso	<i>Layer</i>	Fasana
<i>Tugs (small)</i>	Generale Valfre	<i>Transports</i>	Giuseppe Messina
	Licata		Montecuccio
	Noli		Panigaglia
	Volosca		

ANNEX XIII

Definitions

A. NAVAL

(See Article 59)

Standard Displacement

The standard displacement of a surface vessel is the displacement of the vessel, complete, fully manned, engined and equipped ready for sea, including 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.

The standard displacement is expressed in tons of 2,240 lbs. (1,016 Kgs).

War Vessel

A war vessel, whatever its displacement, is:

1. A vessel specifically built or adapted as a fighting unit for naval, amphibious or naval air warfare; or
2. A vessel which has one of the following characteristics:
 - (a) mounts a gun with a calibre exceeding 4.7 inches (120 mm.);
 - (b) mounts more than four guns with a calibre exceeding 3 inches (76 mm.);
 - (c) is designed or fitted to launch torpedoes or to lay mines;
 - (d) is designed or fitted to launch self-propelled or guided missiles;
 - (e) is designed for protection by armour plating exceeding 1 inch (25 mm.) in thickness;
 - (f) is designed or adapted primarily for operating aircraft at sea;

- (g) mounts more than two aircraft launching apparatus;
- (h) is designed for a speed greater than twenty knots if fitted with a gun of calibre exceeding 3 inches (76 mm.).

A war vessel belonging to sub-category 1 is no longer to be considered as such after the twentieth year since completion if all weapons are removed.

Battleship

A battleship is a war vessel, other than an aircraft carrier, the standard displacement of which exceeds 10,000 tons or which carries a gun with a calibre exceeding 8 inches (203 mm.).

Aircraft Carrier

An aircraft carrier is a war vessel, whatever her displacement, designed or adapted primarily for the purpose of carrying and operating aircraft.

Submarine

A submarine is a vessel designed to operate below the surface of the sea.

Specialised Types of Assault Craft

1. All types of craft specially designed or adapted for amphibious operations.
2. All types of small craft specially designed or adapted to carry an explosive or incendiary charge for attacks on ships or harbours.

Motor Torpedo Boat

A vessel of a displacement less than 200 tons, capable of a speed of over 25 knots and of operating torpedoes.

B. MILITARY, MILITARY AIR AND NAVAL TRAINING

(See Articles 60, 63 and 65)

1. Military training is defined as: the study of and practice in the use of war material specially designed or adapted for army purposes, and training devices relative thereto; the study and carrying out of all drill or movements which teach or practice evolutions performed by fighting forces in battle; and the organised study of tactics, strategy and staff work.

2. Military air training is defined as: the study of and practice in the use of war material specially designed or adapted for air force purposes, and training devices relative thereto; the study and practice of all specialised evolutions, including formation flying, performed by aircraft in the accomplishment of an air force mission; and the organised study of air tactics, strategy and staff work.

3. Naval training is defined as: the study, administration or practice in the use of warships or naval establishments as well as the study or employment of all apparatus and training devices relative thereto, which are used in the prosecution of naval warfare, except for those which are also normally used for civilian purposes; also the teaching, practice or organised study of naval tactics, strategy and staff work including the execution of all operations and manoeuvres not required in the peaceful employment of ships.

C. DEFINITION AND LIST OF WAR MATERIAL

(See Article 67)

The term "war material" as used in the present Treaty shall include all arms, ammunition and implements specially designed or adapted for use in war as listed below.

The Allied and Associated Powers reserve the right to amend the list periodically by modification or addition in the light of subsequent scientific development.

Category I

1. Military rifles, carbines, revolvers and pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use.

2. Machine guns, military automatic or autoloading rifles, and machine pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use; machine gun mounts.

3. Guns, howitzers, mortars, cannon special to aircraft, breechless or recoil-less guns and flamethrowers; barrels and other spare parts not readily adaptable for civilian use; carriages and mountings for the foregoing.

4. Rocket projectors; launching and control mechanisms for self-propelling and guided missiles; mountings for same.

5. Self-propelling and guided missiles, projectiles, rockets, fixed ammunition and cartridges, filled or unfilled, for the arms listed in subparagraphs 1-4 above and fuses, tubes or contrivances to explode or operate them. Fuses required for civilian use are not included.

6. Grenades, bombs, torpedoes, mines, depth charges and incendiary materials or charges, filled or unfilled; all means for exploding or operating them. Fuses required for civilian use are not included.

7. Bayonets.

Category II

1. Armoured fighting vehicles; armoured trains, not technically convertible to civilian use.

2. Mechanical and self-propelled carriages for any of the weapons listed in Category I; special type military chassis or bodies other than those enumerated in sub-paragraph 1 above.

3. Armour plate, greater than three inches in thickness, used for protective purposes in warfare.

Category III

1. Aiming and computing devices, including predictors and plotting apparatus, for fire control; direction of fire instruments; gun sights; bomb sights; fuse setters; equipment for the calibration of guns and fire control instruments.
2. Assault bridging, assault boats and storm boats.
3. Deceptive warfare, dazzle and decoy devices.
4. Personal war equipment of a specialised nature not readily adaptable to civilian use.

Category IV

1. Warships of all kinds, including converted vessels and craft designed or intended for their attendance or support, which cannot be technically reconverted to civilian use, as well as weapons, armour, ammunition, aircraft and all other equipment, material, machines and installations not used in peace time on ships other than warships.
2. Landing craft and amphibious vehicles or equipment of any kind; assault boats or devices of any type as well as catapults or other apparatus for launching or throwing aircraft, rockets, propelled weapons or any other missile, instrument or device whether manned or unmanned, guided or uncontrolled.
3. Submersible or semi-submersible ships, craft, weapons, devices, or apparatus of any kind, including specially designed harbour defence booms, except as required by salvage, rescue or other civilian uses, as well as all equipment, accessories, spare parts, experimental or training aids, instruments or installations as may be specially designed for the construction, testing, maintenance or housing of the same.

Category V

1. Aircraft, assembled or unassembled, both heavier and lighter than air, which are designed or adapted for aerial combat by the use of machine guns, rocket projectors or artillery, or for the carrying and dropping of bombs, or which are equipped with, or which by reason of their design or construction are prepared for, any of the appliances referred to in subparagraph 2 below.
2. Aerial gun mounts and frames, bomb racks, torpedo carriers and bomb release or torpedo release mechanisms; gun turrets and blisters.
3. Equipment specially designed for and used solely by airborne troops.
4. Catapults or launching apparatus for ship-borne, land- or sea-based aircraft; apparatus for launching aircraft weapons.
5. Barrage balloons.

Category VI

Asphyxiating, lethal, toxic or incapacitating substances intended for war purposes, or manufactured in excess of civilian requirements.

Category VII

Propellants, explosives, pyrotechnics or liquefied gases destined for the propulsion, explosion, charging or filling of, or for use in connection with, the war material in the present categories, not capable of civilian use or manufactured in excess of civilian requirements.

Category VIII

Factory and tool equipment specially designed for the production and maintenance of the material enumerated above and not technically convertible to civilian use.

D. DEFINITION OF THE TERMS "DEMILITARISATION" AND "DEMILITARISED"

(See Articles 11, 14, 49 and Article 3 of Annex VI)

For the purpose of the present Treaty the terms "demilitarisation" and "demilitarised" shall be deemed to prohibit, in the territory and territorial waters concerned, all naval, military and military air installations, fortifications and their armaments; artificial military, naval and air obstacles; the basing or the permanent or temporary stationing of military, naval and military air units; military training in any form; and the production of war material. This does not prohibit internal security personnel restricted in number to meeting tasks of an internal character and equipped with weapons which can be carried and operated by one person, and the necessary military training of such personnel.

ANNEX XIV

Economic and Financial Provisions Relating to Ceded Territories

1. The Successor State shall receive, without payment, Italian State and para-statal property within territory ceded to it under the present Treaty, as well as all relevant archives and documents of an administrative character or historical value concerning the territory in question, or relating to property transferred under this paragraph.

The following are considered as State or para-statal property for the purposes of this Annex: movable and immovable property of the Italian State, of local authorities and of public institutions and publicly owned companies and associations, as well as movable and immovable property formerly belonging to the Fascist Party or its auxiliary organizations.

2. All transfers effected after September 3, 1943, of Italian State and para-statal property as defined in paragraph 1 above shall be deemed null and void. This provision shall not, however, extend to lawful acts relating to current operations of State and para-statal agencies in so far as they concern the sale,

within normal limits, of goods ordinarily produced or sold by them in the execution of normal commercial arrangements or in the normal course of governmental administrative activities.

3. Italian submarine cables connecting points in ceded territory, or connecting a point in ceded territory with a point in other territory of the Successor State, shall be deemed to be Italian property in the ceded territory, despite the fact that lengths of these cables may lie outside territorial waters. Italian submarine cables connecting a point in ceded territory with a point outside the jurisdiction of the Successor State shall be deemed to be Italian property in ceded territory so far as concerns the terminal facilities and the lengths of cables lying within territorial waters of the ceded territory.

4. The Italian Government shall transfer to the Successor State all objects of artistic, historical or archaeological value belonging to the cultural heritage of the ceded territory, which, while that territory was under Italian control, were removed therefrom without payment and are held by the Italian Government or by Italian public institutions.

5. The Successor State shall make arrangements for the conversion into its own currency of Italian currency held within the ceded territory by persons continuing to reside in the said territory or by juridical persons continuing to carry on business there. Full proof of the source of the funds to be converted may be required from their holders.

6. The Government of the Successor State shall be exempt from the payment of the Italian public debt, but will assume the obligations of the Italian State towards holders who continue to reside in the ceded territory, or who, being juridical persons, retain their *siège social* or principal place of business there, in so far as these obligations correspond to that portion of this debt which has been issued prior to June 10, 1940, and is attributable to public works and civil administrative services of benefit to the said territory but not attributable directly or indirectly to military purposes.

Full proof of the source of such holdings may be required from the holders.

The Successor State and Italy shall conclude arrangements to determine the portion of the Italian public debt referred to in this paragraph and the methods for giving effect to these provisions.

7. Special arrangements shall be concluded between the Successor State and Italy to govern the conditions under which the obligations of Italian public or private social insurance organizations towards the inhabitants of the ceded territory, and a proportionate part of the reserves accumulated by the said organizations, shall be transferred to similar organizations in the Successor State.

Similar arrangements shall also be concluded between the Successor State and Italy to govern the obligations of public and private social insurance organizations whose *siège social* is in the ceded territory, with regard to policy holders or subscribers residing in Italy.

8. Italy shall continue to be liable for the payment of civil or military pensions earned, as of the coming into force of the present Treaty, for service under the Italian State, municipal or other local government authorities, by persons who under the Treaty acquire the nationality of the Successor State, including pension rights not yet matured. Arrangements shall be concluded between the Successor State and Italy providing for the method by which this liability shall be discharged.

9. The property, rights and interests of Italian nationals permanently resident in the ceded territories at the coming into force of the present Treaty shall, provided they have been lawfully acquired, be respected on a basis of equality with the rights of nationals of the Successor State.

The property, rights and interests within the ceded territories of other Italian nationals and also of Italian juridical persons, provided they have been lawfully acquired, shall be subject only to such legislation as may be enacted from time to time regarding the property of foreign nationals and juridical persons generally.

Such property, rights and interests shall not be subject to retention or liquidation under the provisions of Article 79 of the present Treaty, but shall be restored to their owners freed from any measures of this kind and from any other measure of transfer, compulsory administration or sequestration taken between September 3, 1943, and the coming into force of the present Treaty.

10. Persons who opt for Italian nationality and move to Italy shall be permitted, after the settlement of any debts or taxes due from them in ceded territory, to take with them their movable property and transfer their funds, provided such property and funds were lawfully acquired. No export or import duties will be imposed in connection with the moving of such property. Further, they shall be permitted to sell their movable and immovable property under the same conditions as nationals of the Successor State.

The removal of property to Italy will be effected under conditions and within the limits agreed upon between the Successor State and Italy. The conditions and the time periods of the transfer of the funds, including the proceeds of sales, shall likewise be agreed.

11. The property, rights and interests of former Italian nationals, resident in the ceded territories, who become nationals of another State under the present Treaty, existing in Italy at the coming into force of the Treaty, shall be respected by Italy in the same measure as the property, rights and interests of United Nations nationals generally.

Such persons are authorized to effect the transfer and the liquidation of their property, rights and interests under the same conditions as may be established under paragraph 10 above.

12. Companies incorporated under Italian law and having *siège social* in the ceded territory, which wish to remove *siège social* to Italy, shall likewise be dealt with under the provisions of paragraph 10 above, provided that more than fifty per cent. of the capital of the company is owned by

persons usually resident outside the ceded territory, or by persons who opt for Italian nationality under the present Treaty and who move to Italy, and provided also that the greater part of the activity of the company is carried on outside the ceded territory.

13. Debts owed by persons in Italy to persons in the ceded territory or by persons in the ceded territory to persons in Italy shall not be affected by the cession. Italy and the Successor State undertake to facilitate the settlement of such obligations. As used in this paragraph, the term "persons" includes juridical persons.

14. The property in ceded territory of any of the United Nations and its nationals, if not already freed from Italian measures of sequestration or control and returned to its owner, shall be returned in the condition in which it now exists.

15. The Italian Government recognizes that the Brioni Agreement of August 10, 1942, is null and void. It undertakes to participate with the other signatories of the Rome Agreement of May [March] 29, 1923, in any negotiations having the purpose of introducing into its provisions the modifications necessary to ensure the equitable settlement of the annuities which it provides.

16. Italy shall return property unlawfully removed after September 3, 1943, from ceded territory to Italy. Paragraphs 2, 3, 4, 5 and 6 of Article 75 shall govern the application of this obligation except as regards property provided for elsewhere in this Annex.

17. Italy shall return to the Successor State in the shortest possible time any ships in Italian possession which were owned on September 3, 1943, by natural persons resident in ceded territory who acquire the nationality of the Successor State under the present Treaty, or by Italian juridical persons having and retaining *siège social* in ceded territory, except any ships which have been the subject of a bona fide sale.

18. Italy and the Successor States shall conclude agreements providing for a just and equitable apportionment of the property of any existing local authority whose area is divided by any frontier settlement under the present Treaty, and for a continuance to the inhabitants of necessary communal services not specifically covered in other parts of the Treaty.

Similar agreements shall be concluded for a just and equitable allocation of rolling stock and railway equipment and of dock and harbour craft and equipment, as well as for any other outstanding economic matters not covered by this Annex.

19. The provisions of this Annex shall not apply to the former Italian Colonies. The economic and financial provisions to be applied therein will form part of the arrangements for the final disposal of these territories pursuant to Article 23 of the present Treaty.

ANNEX XV

Special Provisions Relating to Certain Kinds of Property

A. INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY

1. (a) A period of one year from the coming into force of the present Treaty shall be accorded to the Allied and Associated Powers and their nationals without extension fees or other penalty of any sort in order to enable them to accomplish all necessary acts for the obtaining or preserving in Italy of rights in industrial, literary and artistic property which were not capable of accomplishment owing to the existence of a state of war.

(b) Allied and Associated Powers or their nationals who had duly applied in the territory of any Allied or Associated Power for a patent or registration of a utility model not earlier than twelve months before the outbreak of the war with Italy or during the war, or for the registration of an industrial design or model or trade mark not earlier than six months before the outbreak of the war with Italy or during the war, shall be entitled within twelve months after the coming into force of the present Treaty to apply for corresponding rights in Italy, with a right of priority based upon the previous filing of the application in the territory of that Allied or Associated Power.

(c) Each of the Allied and Associated Powers and its nationals shall be accorded a period of one year from the coming into force of the present Treaty during which they may institute proceedings in Italy against those natural or juridical persons who are alleged illegally to have infringed their rights in industrial, literary or artistic property between the date of the outbreak of the war and the coming into force of the present Treaty.

2. A period from the outbreak of the war until a date eighteen months after the coming into force of the present Treaty shall be excluded in determining the time within which a patent must be worked or a design or trade mark used.

3. The period from the outbreak of the war until the coming into force of the present Treaty shall be excluded from the normal term of rights in industrial, literary and artistic property which were in force in Italy at the outbreak of the war or which are recognised or established under part A of this Annex, and belong to any of the Allied and Associated Powers or their nationals. Consequently, the normal duration of such rights shall be deemed to be automatically extended in Italy for a further term corresponding to the period so excluded.

4. The foregoing provisions concerning the rights in Italy of the Allied and Associated Powers and their nationals shall apply equally to the rights in the territories of the Allied and Associated Powers of Italy and its nationals. Nothing, however, in these provisions shall entitle Italy or its nationals to more favourable treatment in the territory of any of the Allied and Asso-

ciated Powers than is accorded by such Power in like cases to other United Nations or their nationals, nor shall Italy be required thereby to accord to any of the Allied and Associated Powers or its nationals more favourable treatment than Italy or its nationals receive in the territory of such Power in regard to the matters dealt with in the foregoing provisions.

5. Third parties in the territories of any of the Allied and Associated Powers or Italy who, before the coming into force of the present Treaty, had bona fide acquired industrial, literary or artistic property rights conflicting with rights restored under part A of this Annex or with rights obtained with the priority provided thereunder, or had bona fide manufactured, published, reproduced, used or sold the subject matter of such rights, shall be permitted, without any liability for infringement, to continue to exercise such rights and to continue or to resume such manufacture, publication, reproduction, use or sale which had been bona fide acquired or commenced. In Italy, such permission shall take the form of a non-exclusive license granted on terms and conditions to be mutually agreed by the parties thereto or, in default of agreement, to be fixed by the Conciliation Commission established under Article 83 of the present Treaty. In the territories of each of the Allied and Associated Powers, however, bona fide third parties shall receive such protection as is accorded under similar circumstances to bona fide third parties whose rights are in conflict with those of the nationals of other Allied and Associated Powers.

6. Nothing in part A of this Annex shall be construed to entitle Italy or its nationals to any patent or utility model rights in the territory of any of the Allied and Associated Powers with respect to inventions, relating to any article listed by name in the definition of war material contained in Annex XIII of the present Treaty, made, or upon which applications were filed, by Italy, or any of its nationals, in Italy or in the territory of any other of the Axis Powers, or in any territory occupied by the Axis forces, during the time when such territory was under the control of the forces or authorities of the Axis Powers.

7. Italy shall likewise extend the benefits of the foregoing provisions of this Annex to United Nations, other than Allied or Associated Powers, whose diplomatic relations with Italy have been broken off during the war and which undertake to extend to Italy the benefits accorded to Italy under the said provisions.

8. Nothing in part A of this Annex shall be understood to conflict with Articles 78, 79 and 81 of the present Treaty.

B. INSURANCE

1. No obstacles, other than any applicable to insurers generally, shall be placed in the way of the resumption by insurers who are United Nations nationals of their former portfolios of business.

2. Should an insurer, who is a national of any of the United Nations, wish to resume his professional activities in Italy, and should the value of the guarantee deposits or reserves required to be held as a condition of carrying on business in Italy be found to have decreased as a result of the loss or depreciation of the securities which constituted such deposits or reserves, the Italian Government undertakes to accept, for a period of eighteen months, such securities as still remain as fulfilling any legal requirements in respect of deposits and reserves.

ANNEX XVI

Contracts, Prescription and Negotiable Instruments

A. CONTRACTS

1. Any contract which required for its execution intercourse between any of the parties thereto having become enemies as defined in part D of this Annex, shall, subject to the exceptions set out in paragraphs 2 and 3 below, be deemed to have been dissolved as from the time when any of the parties thereto became enemies. Such dissolution, however, is without prejudice to the provisions of Article 81 of the present Treaty, nor shall it relieve any party to the contract from the obligation to repay amounts received as advances or as payments on account and in respect of which such party has not rendered performance in return.

2. Notwithstanding the provisions of paragraph 1 above, there shall be excepted from dissolution and, without prejudice to the rights contained in Article 79 of the present Treaty, there shall remain in force such parts of any contract as are severable and did not require for their execution intercourse between any of the parties thereto, having become enemies as defined in part D of this Annex. Where the provisions of any contract are not so severable, the contract shall be deemed to have been dissolved in its entirety. The foregoing shall be subject to the application of domestic laws, orders or regulations made by any of the Allied and Associated Powers having jurisdiction over the contract or over any of the parties thereto and shall be subject to the terms of the contract.

3. Nothing in part A of this Annex shall be deemed to invalidate transactions lawfully carried out in accordance with a contract between enemies if they have been carried out with the authorization of the Government of one of the Allied and Associated Powers.

4. Notwithstanding the foregoing provisions, contracts of insurance and re-insurance shall be subject to separate agreements between the Government of the Allied or Associated Power concerned and the Government of Italy.

B. PERIODS OF PRESCRIPTION

1. All periods of prescription or limitation of right of action or of the right to take conservatory measures in respect of relations affecting persons or property, involving United Nations nationals and Italian nationals who, by reason of the state of war, were unable to take judicial action or to comply with the formalities necessary to safeguard their rights, irrespective of whether these periods commenced before or after the outbreak of war, shall be regarded as having been suspended, for the duration of the war, in Italian territory on the one hand, and on the other hand in the territory of those United Nations which grant to Italy, on a reciprocal basis, the benefit of the provisions of this paragraph. These periods shall begin to run again on the coming into force of the present Treaty. The provisions of this paragraph shall be applicable in regard to the periods fixed for the presentation of interest or dividend coupons or for the presentation for payment of securities drawn for repayment or repayable on any other ground.

2. Where, on account of failure to perform any act or to comply with any formality during the war, measures of execution have been taken in Italian territory to the prejudice of a national of one of the United Nations, the Italian Government shall restore the rights which have been detrimentally affected. If such restoration is impossible or would be inequitable, the Italian Government shall provide that the United Nations national shall be afforded such relief as may be just and equitable in the circumstances.

C. NEGOTIABLE INSTRUMENTS

1. As between enemies, no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

2. Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or endorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment, or protest may be made.

3. If a person has, either before or during the war, incurred obligations under a negotiable instrument in consequence of an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain

liable to indemnify the former in respect of these obligations, notwithstanding the outbreak of war.

D. SPECIAL PROVISIONS

1. For the purposes of this Annex, natural or juridical persons shall be regarded as enemies from the date when trading between them shall have become unlawful under laws, orders or regulations to which such persons or the contracts were subject.

2. Having regard to the legal system of the United States of America, the provisions of this Annex shall not apply as between the United States of America and Italy.

ANNEX XVII

Prize Courts and Judgments

A. PRIZE COURTS

Each of the Allied and Associated Powers reserves the right to examine, according to a procedure to be established by it, all decisions and orders of the Italian Prize Courts in cases involving ownership rights of its nationals, and to recommend to the Italian Government that revision shall be undertaken of such of those decisions or orders as may not be in conformity with international law.

The Italian Government undertakes to supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued, and to accept all recommendations made as a result of the examination of the said cases, and to give effect to such recommendations.

B. JUDGMENTS

The Italian Government shall take the necessary measures to enable nationals of any of the United Nations at any time within one year from the coming into force of the present Treaty to submit to the appropriate Italian authorities for review any judgment given by an Italian court between June 10, 1940, and the coming into force of the present Treaty in any proceeding in which the United Nations national was unable to make adequate presentation of his case either as plaintiff or defendant. The Italian Government shall provide that, where the United Nations national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances. The term "United Nations nationals" includes corporations or associations organised or constituted under the laws of any of the United Nations.

In faith whereof the undersigned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in the city of Paris in the French, English, Russian and Italian languages, this tenth day of February, One Thousand Nine Hundred Forty-Seven.

For the Union of Soviet Socialist Republics:		For Ethiopia:	
V. MOLOTOV	[SEAL]	EPHREM T. MEDHEN	
A. BOGOMOLOV	[SEAL]	TESFAE TEGUEGNE	[SEAL]
		A. Z. HEYWOT	
For the United Kingdom of Great Britain and Northern Ireland:		For Greece:	
ERNEST BEVIN		LEON V. MELAS	[SEAL]
DUFF COOPER	[SEAL]	R. RAPHAEL	[SEAL]
For the United States of America:		For India:	
JAMES F. BYRNES	[SEAL]	S. E. RUNGANADHAN	[SEAL]
JEFFERSON CAFFERY	[SEAL]	For the Netherlands:	
For China:		A. W. L. TJARDA VAN	
T. TAI	[SEAL]	STARKENBORGH	[SEAL]
For France:		For New Zealand:	
G. BIDAULT	[SEAL]	W. J. JORDAN	[SEAL]
F. BILLOUX		For Poland:	
MARIUS MOUTET		Z. MODSELEWSKI	[SEAL]
For Australia:		For the Ukrainian Soviet Socialist Republic:	
JOHN A. BEASLEY	[SEAL]	I. SENIN	[SEAL]
For Belgium:		For the Union of South Africa:	
P. N. SPAAK	[SEAL]	W. G. PARMINTER	[SEAL]
J. GUILLAUME	[SEAL]	For the People's Federal Republic of Yugoslavia:	
For the Byelorussian Soviet Socialist Republic:		STANOJE S. SIMIĆ	[SEAL]
K. KISSELEV	[SEAL]	RODOLJUB ČOLAKOVIĆ	[SEAL]
For Brazil:		DR. PAVLE GREGORIĆ	[SEAL]
F. DE CASTELLO-BRANCO		For Italy:	
CLARK	[SEAL]	ANTONIO MELI LUPI DI	
For Canada:		SORAGNA	[SEAL]
GEORGE P. VANIER	[SEAL]		
For Czechoslovakia:			
JAN MASARYK	[SEAL]		
V. CLEMENTIS	[SEAL]		

TREATY OF PEACE WITH ROMANIA

Treaty, with annexes, signed at Paris February 10, 1947

Senate advice and consent to ratification June 5, 1947

Ratified by the President of the United States June 14, 1947

Ratification of the United States deposited at Moscow September 15, 1947

Entered into force September 15, 1947

*Proclaimed by the President of the United States September 15, 1947*¹

61 Stat. 1757; Treaties and Other
International Acts Series 1649

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Australia, the Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, India, New Zealand, the Ukrainian Soviet Socialist Republic, and the Union of South Africa, as the States which are at war with Roumania and actively waged war against the European enemy states with substantial military forces, hereinafter referred to as "the Allied and Associated Powers", of the one part,

and Roumania, of the other part;

Whereas Roumania, having become an ally of Hitlerite Germany and having participated on her side in the war against the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and other United Nations, bears her share of responsibility for this war;

Whereas, however, Roumania, on August 24, 1944, entirely ceased military operations against the Union of Soviet Socialist Republics, withdrew from the war against the United Nations, broke off relations with Germany and her satellites and having concluded on September 12, 1944, an Armistice² with the Governments of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, acting in the interests of all the United Nations, took an active part in the war against Germany; and

Whereas the Allied and Associated Powers and Roumania are desirous of concluding a treaty of peace, which, conforming to the principles of

¹ In his proclamation the President also said, ". . . I . . . do hereby proclaim that the state of war between the United States of America and Roumania terminated on September 15, 1947."

² EAS 490, *ante*, vol. 3, p. 901.

justice, will settle questions still outstanding as a result of the events hereinbefore recited and form the basis of friendly relations between them, thereby enabling the Allied and Associated Powers to support Roumania's application to become a member of the United Nations and also to adhere to any Convention concluded under the auspices of the United Nations;

Have therefore agreed to declare the cessation of the state of war and for this purpose to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

PART I

FRONTIERS

ARTICLE 1

The frontiers of Roumania, shown on the map annexed to the present Treaty (Annex I),³ shall be those which existed on January 1, 1941, with the exception of the Roumanian-Hungarian frontier, which is defined in Article 2 of the present Treaty.

The Soviet-Roumanian frontier is thus fixed in accordance with the Soviet-Roumanian Agreement of June 28, 1940, and the Soviet-Czechoslovak Agreement of June 29, 1945.

ARTICLE 2

The decisions of the Vienna Award of August 30, 1940, are declared null and void. The frontier between Roumania and Hungary as it existed on January 1, 1938, is hereby restored.

PART II

POLITICAL CLAUSES

Section I

ARTICLE 3

1. Roumania shall take all measures necessary to secure to all persons under Roumanian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

³ This annex is a large-scale map. A copy of the map as received with the certified copy of the treaty is deposited with the treaty in the archives of the Department of State, where it is available for reference.

2. Roumania further undertakes that the laws in force in Roumania shall not, either in their content or in their application, discriminate or entail any discrimination between persons of Roumanian nationality on the ground of their race, sex, language or religion, whether in reference to their persons, property, business, professional or financial interests, status, political or civil rights or any other matter.

ARTICLE 4

Roumania, which in accordance with the Armistice Agreement has taken measures to set free, irrespective of citizenship and nationality, all persons held in confinement on account of their activities in favour of, or because of their sympathies with, the United Nations or because of their racial origin, and to repeal discriminatory legislation and restrictions imposed thereunder, shall complete these measures and shall in future not take any measures or enact any laws which would be incompatible with the purposes set forth in this Article.

ARTICLE 5

Roumania, which in accordance with the Armistice Agreement has taken measures for dissolving all organizations of a Fascist type on Roumanian territory, whether political, military or para-military, as well as other organizations conducting propaganda hostile to the Soviet Union or to any of the other United Nations, shall not permit in future the existence and activities of organizations of that nature which have as their aim denial to the people of their democratic rights.

ARTICLE 6

1. Roumania shall take all necessary steps to ensure the apprehension and surrender for trial of:

(a) Persons accused of having committed, ordered or abetted war crimes and crimes against peace or humanity;

(b) Nationals of any Allied or Associated Power accused of having violated their national law by treason or collaboration with the enemy during the war.

2. At the request of the United Nations Government concerned, Roumania shall likewise make available as witnesses persons within its jurisdiction, whose evidence is required for the trial of the persons referred to in paragraph 1 of this Article.

3. Any disagreement concerning the application of the provisions of paragraphs 1 and 2 of this Article shall be referred by any of the Governments concerned to the Heads of the Diplomatic Missions in Bucharest of the Soviet Union, the United Kingdom and the United States of America, who will reach agreement with regard to the difficulty.

Section II

ARTICLE 7

Roumania undertakes to recognize the full force of the Treaties of Peace with Italy, Bulgaria, Hungary and Finland and other agreements or arrangements which have been or will be reached by the Allied and Associated Powers in respect of Austria, Germany and Japan for the restoration of peace.

ARTICLE 8

The state of war between Roumania and Hungary shall terminate upon the coming into force both of the present Treaty of Peace and the Treaty of Peace between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Australia, the Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, India, New Zealand, the Ukrainian Soviet Socialist Republic, the Union of South Africa and the People's Federal Republic of Yugoslavia, of the one part, and Hungary of the other part.⁴

ARTICLE 9

Roumania undertakes to accept any arrangements which have been or may be agreed for the liquidation of the League of Nations and the Permanent Court of International Justice.

ARTICLE 10

1. Each Allied or Associated Power will notify Roumania, within a period of six months from the coming into force of the present Treaty, which of its pre-war bilateral treaties with Roumania it desires to keep in force or revive. Any provisions not in conformity with the present Treaty shall, however, be deleted from the above-mentioned treaties.⁵

2. All such treaties so notified shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.⁶

3. All such treaties not so notified shall be regarded as abrogated.

PART III

MILITARY, NAVAL AND AIR CLAUSES

Section I

ARTICLE 11

The maintenance of land, sea and air armaments and fortifications

⁴ TIAS 1651, *post*, p. 453.

⁵ For text of note from the American Minister at Bucharest to the Minister of Foreign Affairs dated Feb. 26, 1948, giving such notification, see *Department of State Bulletin*, Mar. 14, 1948, p. 356.

⁶ TS 993, *ante*, vol. 3, p. 1176.

shall be closely restricted to meeting tasks of an internal character and local defense of frontiers. In accordance with the foregoing, Roumania is authorised to have armed forces consisting of not more than :

(a) A land army, including frontier troops, with a total strength of 120,000 personnel;

(b) Anti-aircraft artillery with a strength of 5,000 personnel;

(c) A navy with a personnel strength of 5,000 and a total tonnage of 15,000 tons;

(d) An air force, including any naval air arm, of 150 aircraft, including reserves, of which not more than 100 may be combat types of aircraft, with a total personnel strength of 8,000. Roumania shall not possess or acquire any aircraft designed primarily as bombers with internal bomb-carrying facilities.

These strengths shall in each case include combat, service and overhead personnel.

ARTICLE 12

The personnel of the Roumanian Army, Navy and Air Force in excess of the respective strengths permitted under Article 11 shall be disbanded within six months from the coming into force of the present Treaty.

ARTICLE 13

Personnel not included in the Roumanian Army, Navy or Air Force shall not receive any form of military training, naval training or military air training as defined in Annex II.

ARTICLE 14

Roumania shall not possess, construct or experiment with any atomic weapon, any self-propelled or guided missiles or apparatus connected with their discharge (other than torpedoes and torpedo-launching gear comprising the normal armament of naval vessels permitted by the present Treaty), sea mines or torpedoes of non-contact types actuated by influence mechanisms, torpedoes capable of being manned, submarines or other submersible craft, motor torpedo boats, or specialised types of assault craft.

ARTICLE 15

Roumania shall not retain, produce or otherwise acquire, or maintain facilities for the manufacture of, war material in excess of that required for the maintenance of the armed forces permitted under Article 11 of the present Treaty.

ARTICLE 16

1. Excess war material of Allied origin shall be placed at the disposal of the Allied or Associated Power concerned according to the instructions given by that Power. Excess Roumanian war material shall be placed at the disposal of the Governments of the Soviet Union, the United Kingdom and the United States of America. Roumania shall renounce all rights to this material.

2. War material of German origin or design in excess of that required for the armed forces permitted under the present Treaty shall be placed at the disposal of the Three Governments. Roumania shall not acquire or manufacture any war material of German origin or design, or employ or train any technicians, including military and civil aviation personnel, who are or have been nationals of Germany.

3. Excess war material mentioned in paragraphs 1 and 2 of this Article shall be handed over or destroyed within one year from the coming into force of the present Treaty.

4. A definition and list of war material for the purposes of the present Treaty are contained in Annex III.

ARTICLE 17

Roumania shall co-operate fully with the Allied and Associated Powers with a view to ensuring that Germany may not be able to take steps outside German territory towards rearmament.

ARTICLE 18

Roumania shall not acquire or manufacture civil aircraft which are of German or Japanese design or which embody major assemblies of German or Japanese manufacture or design.

ARTICLE 19

Each of the military, naval and air clauses of the present Treaty shall remain in force until modified in whole or in part by agreement between the Allied and Associated Powers and Roumania or, after Roumania becomes a member of the United Nations, by agreement between the Security Council and Roumania.

Section II

ARTICLE 20

1. Roumanian prisoners of war shall be repatriated as soon as possible, in accordance with arrangements agreed upon by the individual Powers detaining them and Roumania.

2. All costs, including maintenance costs, incurred in moving Roumanian prisoners of war from their respective assembly points, as chosen by the Government of the Allied or Associated Power concerned, to the point

of their entry into Roumanian territory, shall be borne by the Roumanian Government.

PART IV

WITHDRAWAL OF ALLIED FORCES

ARTICLE 21

1. Upon the coming into force of the present Treaty, all Allied Forces shall, within a period of 90 days, be withdrawn from Roumania, subject to the right of the Soviet Union to keep on Roumanian territory such armed forces as it may need for the maintenance of the lines of communication of the Soviet Army with the Soviet zone of occupation in Austria.

2. All unused Roumanian currency and all Roumanian goods in possession of the Allied forces in Roumania, acquired pursuant to Article 10 of the Armistice Agreement, shall be returned to the Roumanian Government within the same period of 90 days.

3. Roumania shall, however, make available such maintenance and facilities as may specifically be required for the maintenance of the lines of communication with the Soviet zone of occupation in Austria, for which due compensation will be made to the Roumanian Government.

PART V

REPARATION AND RESTITUTION

ARTICLE 22

1. Losses caused to the Soviet Union by military operations and by the occupation by Roumania of Soviet territory shall be made good by Roumania to the Soviet Union, but, taking into consideration that Roumania has not only withdrawn from the war against the United Nations, but has declared and, in fact, waged war against Germany, it is agreed that compensation for the above losses will be made by Roumania not in full but only in part, namely in the amount of \$300,000,000 payable over eight years from September 12, 1944, in commodities (oil products, grain, timber, seagoing and river craft, sundry machinery and other commodities).

2. The basis of calculation for the settlement provided in this Article will be the United States dollar at its gold parity on the day of the signing of the Armistice Agreement, i.e. \$35 for one ounce of gold.

ARTICLE 23

1. Roumania accepts the principles of the United Nations Declaration of January 5, 1943,⁷ and shall return property removed from the territory of any of the United Nations.

⁷ *Ante*, vol. 3, p. 754.

2. The obligation to make restitution applies to all identifiable property at present in Roumania which was removed by force or duress by any of the Axis Powers from the territory of any of the United Nations, irrespective of any subsequent transactions by which the present holder of any such property has secured possession.

3. The Government entitled to restitution and the Roumanian Government may conclude agreements which will replace the provisions of the present Article.

4. The Roumanian Government shall return the property referred to in this Article in good order and, in this connection, shall bear all costs in Roumania relating to labour, materials and transport.

5. The Roumanian Government shall co-operate with the United Nations in, and shall provide at its own expense all necessary facilities for, the search for and restitution of property liable to restitution under this Article.

6. The Roumanian Government shall take the necessary measures to effect the return of property covered by this Article held in any third country by persons subject to Roumanian jurisdiction.

7. Claims for the restitution of property shall be presented to the Roumanian Government by the Government of the country from whose territory the property was removed, it being understood that rolling stock shall be regarded as having been removed from the territory to which it originally belonged. The period during which such claims may be presented shall be six months from the coming into force of the present Treaty.

8. The burden of identifying the property and of proving ownership shall rest on the claimant Government, and the burden of proving that the property was not removed by force or duress shall rest on the Roumanian Government.

PART VI

ECONOMIC CLAUSES

ARTICLE 24

1. In so far as Roumania has not already done so, Roumania shall restore all legal rights and interests in Roumania of the United Nations and their nationals as they existed on September 1, 1939, and shall return all property in Roumania, including ships, of the United Nations and their nationals as it now exists.

If necessary, the Roumanian Government shall revoke legislation enacted since September 1, 1939, in so far as it discriminates against the rights of United Nations nationals.

2. The Roumanian Government undertakes that all property, rights and interests passing under this Article shall be restored free of all encumbrances and charges of any kind to which they may have become subject

as a result of the war and without the imposition of any charges by the Roumanian Government in connection with their return. The Roumanian Government shall nullify all measures, including seizures, sequestration or control, taken by it against United Nations property between September 1, 1939, and the coming into force of the present Treaty. In cases where the property has not been returned within six months from the coming into force of the present Treaty, application shall be made to the Roumanian authorities not later than twelve months from the coming into force of the Treaty, except in cases in which the claimant is able to show that he could not file his application within this period.

3. The Roumanian Government shall invalidate transfers involving property, rights and interests of any description belonging to United Nations nationals, where such transfers resulted from force or duress exerted by Axis Governments or their agencies during the war.

4. (a) The Roumanian Government shall be responsible for the restoration to complete good order of the property returned to United Nations nationals under paragraph 1 of this Article. In cases where property cannot be returned or where, as a result of the war, a United Nations national has suffered a loss by reason of injury or damage to property in Roumania, he shall receive from the Roumanian Government compensation in lei to the extent of two-thirds of the sum necessary, at the date of payment, to purchase similar property or to make good the loss suffered. In no event shall United Nations nationals receive less favourable treatment with respect to compensation than that accorded to Roumanian nationals.

(b) United Nations nationals who hold, directly or indirectly, ownership interests in corporations or associations which are not United Nations nationals within the meaning of paragraph 9(a) of this Article, but which have suffered a loss by reason of injury or damage to property in Roumania, shall receive compensation in accordance with sub-paragraph (a) above. This compensation shall be calculated on the basis of the total loss or damage suffered by the corporation or association and shall bear the same proportion to such loss or damage as the beneficial interests of such nationals in the corporation or association bear to the total capital thereof.

(c) Compensation shall be paid free of any levies, taxes or other charges. It shall be freely usable in Roumania but shall be subject to the foreign exchange control regulations which may be in force in Roumania from time to time.

(d) The Roumanian Government shall accord to United Nations nationals the same treatment in the allocation of materials for the repair or rehabilitation of their property in Roumania and in the allocation of foreign exchange for the importation of such materials as applies to Roumanian nationals.

(*e*) The Roumanian Government shall grant United Nations nationals an indemnity in lei at the same rate as provided in sub-paragraph (*a*) above to compensate them for the loss or damage due to special measures applied to their property during the war, and which were not applicable to Roumanian property. This sub-paragraph does not apply to a loss of profit.

5. The provisions of paragraph 4 of this Article shall not apply to Roumania in so far as the action which may give rise to a claim for damage to property in Northern Transylvania belonging to the United Nations or their nationals took place during the period when this territory was not subject to Roumanian authority.

6. All reasonable expenses incurred in Roumania in establishing claims, including the assessment of loss or damage, shall be borne by the Roumanian Government.

7. United Nations nationals and their property shall be exempted from any exceptional taxes, levies or imposts imposed on their capital assets in Roumania by the Roumanian Government or any Roumanian authority between the date of the Armistice and the coming into force of the present Treaty for the specific purpose of meeting charges arising out of the war or of meeting the costs of occupying forces or of reparation payable to any of the United Nations. Any sums which have been so paid shall be refunded.

8. The owner of the property concerned and the Roumanian Government may agree upon arrangements in lieu of the provisions of this Article.

9. As used in this Article:

(*a*) "United Nations nationals" means individuals who are nationals of any of the United Nations, or corporations or associations organised under the laws of any of the United Nations, at the coming into force of the present Treaty, provided that the said individuals, corporations or associations also had this status at the date of the Armistice with Roumania.

The term "United Nations nationals" also includes all individuals, corporations or associations which, under the laws in force in Roumania during the war, have been treated as enemy;

(*b*) "Owner" means the United Nations national, as defined in sub-paragraph (*a*) above, who is entitled to the property in question, and includes a successor of the owner, provided that the successor is also a United Nations national as defined in sub-paragraph (*a*). If the successor has purchased the property in its damaged state, the transferor shall retain his rights to compensation under this Article, without prejudice to obligations between the transferor and the purchaser under domestic law;

(*c*) "Property" means all movable or immovable property, whether tangible or intangible, including industrial, literary and artistic property, as well as all rights or interests of any kind in property. Without prejudice to the generality of the foregoing provisions, the property of the United Nations and their nationals includes all seagoing and river vessels, together with their

gear and equipment, which were either owned by United Nations or their nationals, or registered in the territory of one of the United Nations, or sailed under the flag of one of the United Nations and which, after September 1, 1939, while in Roumanian waters, or after they had been forcibly brought into Roumanian waters, either were placed under the control of the Roumanian authorities as enemy property or ceased to be at the free disposal in Roumania of the United Nations or their nationals, as a result of measures of control taken by the Roumanian authorities in relation to the existence of a state of war between members of the United Nations and Germany.

ARTICLE 25

1. Roumania undertakes that in all cases where the property, legal rights or interests in Roumania of persons under Roumanian jurisdiction have, since September 1, 1939, been the subject of measures of sequestration, confiscation or control on account of the racial origin or religion of such persons, the said property, legal rights and interests shall be restored together with their accessories or, if restoration is impossible, that fair compensation shall be made therefor.

2. All property, rights and interests in Roumania of persons, organisations or communities which, individually or as members of groups, were the object of racial, religious or other Fascist measures of persecution, and remaining heirless or unclaimed for six months after the coming into force of the present Treaty, shall be transferred by the Roumanian Government to organisations in Roumania representative of such persons, organisations or communities. The property transferred shall be used by such organisations for purposes of relief and rehabilitation of surviving members of such groups, organisations and communities in Roumania. Such transfer shall be effected within twelve months from the coming into force of the Treaty, and shall include property, rights and interests required to be restored under paragraph 1 of this Article.

ARTICLE 26

Roumania recognizes that the Soviet Union is entitled to all German assets in Roumania transferred to the Soviet Union by the Control Council for Germany and undertakes to take all necessary measures to facilitate such transfers.

ARTICLE 27

1. Each of the Allied and Associated Powers shall have the right to seize, retain, liquidate or take any other action with respect to all property, rights and interests which at the coming into force of the present Treaty are within its territory and belong to Roumania or to Roumanian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Roumania or

Roumanian nationals, including debts, other than claims fully satisfied under other Articles of the present Treaty. All Roumanian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned.

2. The liquidation and disposition of Roumanian property shall be carried out in accordance with the law of the Allied or Associated Power concerned. The Roumanian owner shall have no rights with respect to such property except those which may be given him by that law.

3. The Roumanian Government undertakes to compensate Roumanian nationals whose property is taken under this Article and not returned to them.

4. No obligation is created by this Article on any Allied or Associated Power to return industrial property to the Roumanian Government or Roumanian nationals, or to include such property in determining the amounts which may be retained under paragraph 1 of this Article. The Government of each of the Allied and Associated Powers shall have the right to impose such limitations, conditions and restrictions on rights or interests with respect to industrial property in the territory of that Allied or Associated Power, acquired prior to the coming into force of the present Treaty by the Government or nationals of Roumania, as may be deemed by the Government of the Allied or Associated Power to be necessary in the national interest.

5. The property covered by paragraph 1 of this Article shall be deemed to include Roumanian property which has been subject to control by reason of a state of war existing between Roumania and the Allied or Associated Power having jurisdiction over the property, but shall not include:

(a) Property of the Roumanian Government used for consular or diplomatic purposes;

(b) Property belonging to religious bodies or private charitable institutions and used for religious or charitable purposes;

(c) Property of natural persons who are Roumanian nationals permitted to reside within the territory of the country in which the property is located or to reside elsewhere in United Nations territory, other than Roumanian property which at any time during the war was subjected to measures not generally applicable to the property of Roumanian nationals resident in the same territory;

(d) Property rights arising since the resumption of trade and financial relations between the Allied and Associated Powers and Roumania, or arising out of transactions between the Government of any Allied or Associated Power and Roumania since September 12, 1944;

(e) Literary and artistic property rights.

ARTICLE 28

1. From the coming into force of the present Treaty, property in Germany of Roumania and of Roumanian nationals shall no longer be treated as enemy property and all restrictions based on such treatment shall be removed.

2. Identifiable property of Roumania and of Roumanian nationals removed by force or duress from Roumanian territory to Germany by German forces or authorities after September 12, 1944, shall be eligible for restitution.

3. The restoration and restitution of Roumanian property in Germany shall be effected in accordance with measures which will be determined by the Powers in occupation of Germany.

4. Without prejudice to these and to any other dispositions in favour of Roumania and Roumanian nationals by the Powers occupying Germany, Roumania waives on its own behalf and on behalf of Roumanian nationals all claims against Germany and German nationals outstanding on May 8, 1945, except those arising out of contracts and other obligations entered into, and rights acquired, before September 1, 1939. This waiver shall be deemed to include debts, all inter-governmental claims in respect of arrangements entered into in the course of the war and all claims for loss or damage arising during the war.

ARTICLE 29

1. The existence of the state of war shall not, in itself, be regarded as affecting the obligation to pay pecuniary debts arising out of obligations and contracts which existed, and rights which were acquired, before the existence of the state of war, which became payable prior to the coming into force of the present Treaty, and which are due by the Government or nationals of Roumania to the Government or nationals of one of the Allied and Associated Powers or are due by the Government or nationals of one of the Allied and Associated Powers to the Government or nationals of Roumania.

2. Except as otherwise expressly provided in the present Treaty, nothing therein shall be construed as impairing debtor-creditor relationships arising out of pre-war contracts concluded either by the Government or nationals of Roumania.

ARTICLE 30

1. Roumania waives all claims of any description against the Allied and Associated Powers on behalf of the Roumanian Government or Roumanian nationals arising directly out of the war or out of actions taken because of the existence of a state of war in Europe after September 1, 1939, whether or not the Allied or Associated Power was at war with Roumania at the time, including the following:

(a) Claims for losses or damages sustained as a consequence of acts of forces or authorities of Allied or Associated Powers;

(b) Claims arising from the presence, operations or actions of forces or authorities of Allied or Associated Powers in Roumanian territory;

(c) Claims with respect to the decrees or orders of Prize Courts of Allied or Associated Powers, Roumania agreeing to accept as valid and binding

all decrees and orders of such Prize Courts on or after September 1, 1939, concerning Roumanian ships or Roumanian goods or the payment of costs;

(*d*) Claims arising out of the exercise or purported exercise of belligerent rights.

2. The provisions of this Article shall bar, completely and finally, all claims of the nature referred to herein, which will be henceforward extinguished, whoever may be the parties in interest. The Roumanian Government agrees to make equitable compensation in lei to persons who furnished supplies or services on requisition to the forces of Allied or Associated Powers in Roumanian territory and in satisfaction of noncombat damage claims against the forces of Allied or Associated Powers arising in Roumanian territory.

3. Roumania likewise waives all claims of the nature covered by paragraph 1 of this Article on behalf of the Roumanian Government or Roumanian nationals against any of the United Nations whose diplomatic relations with Roumania were broken off during the war and which took action in co-operation with the Allied and Associated Powers.

4. The Roumanian Government shall assume full responsibility for all Allied military currency issued in Roumania by the Allied military authorities, including all such currency in circulation at the coming into force of the present Treaty.

5. The waiver of claims by Roumania under paragraph 1 of this Article includes any claims arising out of actions taken by any of the Allied and Associated Powers with respect to Roumanian ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising out of the Conventions on prisoners of war now in force.

ARTICLE 31

1. Pending the conclusion of commercial treaties or agreements between individual United Nations and Roumania, the Roumanian Government shall, during a period of eighteen months from the coming into force of the present Treaty, grant the following treatment to each of the United Nations which, in fact, reciprocally grants similar treatment in like matters to Roumania:

(*a*) In all that concerns duties and charges on importation or exportation, the internal taxation of imported goods and all regulations pertaining thereto, the United Nations shall be granted unconditional most-favoured-nation treatment;

(*b*) In all other respects, Roumania shall make no arbitrary discrimination against goods originating in or destined for any territory of any of the United Nations as compared with like goods originating in or destined for territory of any other of the United Nations or of any other foreign country;

(*c*) United Nations nationals, including juridical persons, shall be granted

national and most-favoured-nation treatment in all matters pertaining to commerce, industry, shipping and other forms of business activity within Roumania. These provisions shall not apply to commercial aviation;

(d) Roumania shall grant no exclusive or discriminatory right to any country with regard to the operation of commercial aircraft in international traffic, shall afford all the United Nations equality of opportunity in obtaining international commercial aviation rights in Roumanian territory, including the right to land for refueling and repair, and, with regard to the operation of commercial aircraft in international traffic, shall grant on a reciprocal and non-discriminatory basis to all United Nations the right to fly over Roumanian territory without landing. These provisions shall not affect the interests of the national defence of Roumania.

2. The foregoing undertakings by Roumania shall be understood to be subject to the exceptions customarily included in commercial treaties concluded by Roumania before the war, and the provisions with respect to reciprocity granted by each of the United Nations shall be understood to be subject to the exceptions customarily included in the commercial treaties concluded by that State.

ARTICLE 32

1. Any disputes which may arise in connection with Articles 23 and 24 and Annexes IV, V and VI, part B of the present Treaty shall be referred to a Conciliation Commission composed of an equal number of representatives of the United Nations Government concerned and of the Roumanian Government. If agreement has not been reached within three months of the dispute having been referred to the Conciliation Commission, either Government may require the addition of a third member to the Commission, and failing agreement between the two Governments on the selection of this member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission and shall be accepted by the parties as definitive and binding.

ARTICLE 33

Any disputes which may arise in connection with the prices paid by the Roumanian Government for goods delivered by this Government on account of reparation and acquired from nationals of an Allied or Associated Power or companies owned by them shall be settled, without prejudice to the execution of the obligations of Roumania with regard to reparation, by means of diplomatic negotiations between the Government of the country concerned and the Roumanian Government. Should the direct diplomatic negotiations between the parties concerned not result in a solution of the dispute within

two months, such dispute shall be referred to the Heads of the Diplomatic Missions in Bucharest of the Soviet Union, the United Kingdom and the United States of America for settlement. In case the Heads of Mission fail to reach agreement within two months, either party may request the Secretary-General of the United Nations to appoint an arbitrator whose decision shall be binding on the parties to the dispute.

ARTICLE 34

Articles 23, 24, 31 and Annex VI of the present Treaty shall apply to the Allied and Associated Powers and France and to those of the United Nations whose diplomatic relations with Roumania have been broken off during the war.

ARTICLE 35

The provisions of Annexes IV, V and VI shall, as in the case of the other Annexes, have force and effect as integral parts of the present Treaty.

PART VII

CLAUSE RELATING TO THE DANUBE

ARTICLE 36

Navigation on the Danube shall be free and open for the nationals, vessels of commerce, and goods of all States, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping. The foregoing shall not apply to traffic between ports of the same State.

PART VIII

FINAL CLAUSES

ARTICLE 37

1. For a period not to exceed eighteen months from the coming into force of the present Treaty, the Heads of the Diplomatic Missions in Bucharest of the Soviet Union, the United Kingdom and the United States of America, acting in concert, will represent the Allied and Associated Powers in dealing with the Roumanian Government in all matters concerning the execution and interpretation of the present Treaty.

2. The Three Heads of Mission will given the Roumanian Government such guidance, technical advice and clarification as may be necessary to ensure the rapid and efficient execution of the present Treaty both in letter and in spirit.

3. The Roumanian Government shall afford the said Three Heads of

Mission all necessary information and any assistance which they may require in the fulfilment of the tasks devolving on them under the present Treaty.

ARTICLE 38

1. Except where another procedure is specifically provided under any Article of the present Treaty, any dispute concerning the interpretation or execution of the Treaty, which is not settled by direct diplomatic negotiations, shall be referred to the Three Heads of Mission acting under Article 37, except that in this case the Heads of Mission will not be restricted by the time limit provided in that Article. Any such dispute not resolved by them within a period of two months shall, unless the parties to the dispute mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 39

1. Any member of the United Nations, not a signatory to the present Treaty, which is at war with Roumania, may accede to the Treaty and upon accession shall be deemed to be an Associated Power for the purposes of the Treaty.

2. Instruments of accession shall be deposited with the Government of the Union of Soviet Socialist Republics and shall take effect upon deposit.

ARTICLE 40

The present Treaty, of which the Russian and English texts are authentic, shall be ratified by the Allied and Associated Powers. It shall also be ratified by Roumania. It shall come into force immediately upon the deposit of ratifications by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The instruments of ratification shall, in the shortest time possible, be deposited with the Government of the Union of Soviet Socialist Republics.

With respect to each Allied or Associated Power whose instrument of ratification is thereafter deposited, the Treaty shall come into force upon the date of deposit. The present Treaty shall be deposited in the archives of the Government of the Union of Soviet Socialist Republics, which shall furnish certified copies to each of the signatory States.

LIST OF ANNEXES

- I. Map of Roumanian Frontiers ⁸
- II. Definition of Military, Military Air and Naval Training
- III. Definition and list of war material
- IV. Special provisions relating to certain kinds of property:
 - A. Industrial, Literary and Artistic Property
 - B. Insurance
- V. Contracts, Prescription and Negotiable Instruments
- VI. Prize Courts and Judgments

ANNEX I

(See Article 1)

Map of the Roumanian Frontiers ⁸

ANNEX II

(See Article 13)

Definition of Military, Military Air and Naval Training

1. Military training is defined as: the study of and practice in the use of war material specially designed or adapted for army purposes, and training devices relative thereto; the study and carrying out of all drill or movements which teach or practice evolutions performed by fighting forces in battle; and the organised study of tactics, strategy and staff work.

2. Military air training is defined as: the study of and practice in the use of war material specially designed or adapted for air force purposes, and training devices relative thereto; the study and practice of all specialised evolutions, including formation flying, performed by aircraft in the accomplishment of an air force mission; and the organised study of air tactics, strategy and staff work.

3. Naval training is defined as: the study, administration or practice in the use of warships or naval establishments as well as the study or employment of all apparatus and training devices relative thereto, which are used in the prosecution of naval warfare, except for those which are also normally used for civilian purposes; also the teaching, practice or organised study of naval tactics, strategy and staff work including the execution of all operations and manoeuvres not required in the peaceful employment of ships.

ANNEX III

(See Article 16)

Definition and List of War Material

The term "war material" as used in the present Treaty shall include all arms, ammunition and implements specially designed or adapted for use in war as listed below.

⁸ See footnote 3, p. 404.

The Allied and Associated Powers reserve the right to amend the list periodically by modification or addition in the light of subsequent scientific development.

Category I

1. Military rifles, carbines, revolvers and pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use.
2. Machine guns, military automatic or autoloading rifles, and machine pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use; machine gun mounts.
3. Guns, howitzers, mortars, cannon special to aircraft; breechless or recoilless guns and flamethrowers; barrels and other spare parts not readily adaptable for civilian use; carriages and mountings for the foregoing.
4. Rocket projectors; launching and control mechanisms for self-propelling and guided missiles; mountings for same.
5. Self-propelling and guided missiles, projectiles, rockets, fixed ammunition and cartridges, filled or unfilled, for the arms listed in subparagraphs 1-4 above and fuses, tubes or contrivances to explode or operate them. Fuses required for civilian use are not included.
6. Grenades, bombs, torpedoes, mines, depth charges and incendiary materials or charges, filled or unfilled; all means for exploding or operating them. Fuses required for civilian use are not included.
7. Bayonets.

Category II

1. Armoured fighting vehicles; armoured trains, not technically convertible to civilian use.
2. Mechanical and self-propelled carriages for any of the weapons listed in Category I; special type military chassis or bodies other than those enumerated in sub-paragraph 1 above.
3. Armour plate, greater than three inches in thickness, used for protective purposes in warfare.

Category III

1. Aiming and computing devices, including predictors and plotting apparatus, for fire control; direction of fire instruments; gun sights; bomb sights; fuse setters; equipment for the calibration of guns and fire control instruments.
2. Assault bridging, assault boats and storm boats.
3. Deceptive warfare, dazzle and decoy devices.
4. Personal war equipment of a specialised nature not readily adaptable to civilian use.

Category IV

1. Warships of all kinds, including converted vessels and craft designed or intended for their attendance or support, which cannot be technically re-

converted to civilian use, as well as weapons, armour, ammunition, aircraft and all other equipment, material, machines and installations not used in peace time on ships other than warships.

2. Landing craft and amphibious vehicles or equipment of any kind; assault boats or devices of any type as well as catapults or other apparatus for launching or throwing aircraft, rockets, propelled weapons or any other missile, instrument or device whether manned or unmanned, guided or uncontrolled.

3. Submersible or semi-submersible ships, craft, weapons, devices or apparatus of any kind, including specially designed harbour defence booms, except as required by salvage, rescue or other civilian uses, as well as all equipment, accessories, spare parts, experimental or training aids, instruments or installations as may be specially designed for the construction, testing, maintenance or housing of the same.

Category V

1. Aircraft, assembled or unassembled, both heavier and lighter than air, which are designed or adapted for aerial combat by the use of machine guns, rocket projectors or artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of their design or construction are prepared for, any of the appliances referred to in subparagraph 2 below.

2. Aerial gun mounts and frames, bomb racks, torpedo carriers and bomb release or torpedo release mechanisms; gun turrets and blisters.

3. Equipment specially designed for and used solely by airborne troops.

4. Catapults or launching apparatus for ship-borne, land- or sea-based aircraft; apparatus for launching aircraft weapons.

5. Barrage balloons.

Category VI

Asphyxiating, lethal, toxic or incapacitating substances intended for war purposes, or manufactured in excess of civilian requirements.

Category VII

Propellants, explosives, pyrotechnics or liquefied gases destined for the propulsion, explosion, charging or filling of, or for use in connection with, the war material in the present categories, not capable of civilian use or manufactured in excess of civilian requirements.

Category VIII

Factory and tool equipment specially designed for the production and maintenance of the material enumerated above and not technically convertible to civilian use.

ANNEX IV

Special Provisions Relating to Certain Kinds of Property

A. INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY

1. (a) A period of one year from the coming into force of the present Treaty shall be accorded to the Allied and Associated Powers and their nationals without extension fees or other penalty of any sort in order to enable them to accomplish all necessary acts for the obtaining or preserving in Roumania of rights in industrial, literary and artistic property which were not capable of accomplishment owing to the existence of a state of war.

(b) Allied and Associated Powers or their nationals who had duly applied in the territory of any Allied or Associated Power for a patent or registration of a utility model not earlier than twelve months before the outbreak of the war with Roumania or during the war, or for the registration of an industrial design or model or trade mark not earlier than six months before the outbreak of the war with Roumania or during the war, shall be entitled within twelve months after the coming into force of the present Treaty to apply for corresponding rights in Roumania, with a right of priority based upon the previous filing of the application in the territory of that Allied or Associated Power.

(c) Each of the Allied and Associated Powers and its nationals shall be accorded a period of one year from the coming into force of the present Treaty during which they may institute proceedings in Roumania against those natural or juridical persons who are alleged illegally to have infringed their rights in industrial, literary or artistic property between the date of the outbreak of the war and the coming into force of the Treaty.

2. A period from the outbreak of the war until a date eighteen months after the coming into force of the present Treaty shall be excluded in determining the time within which a patent must be worked or a design or trade mark used.

3. The period from the outbreak of the war until the coming into force of the present Treaty shall be excluded from the normal term of rights in industrial, literary and artistic property which were in force in Roumania at the outbreak of the war or which are recognized or established under part A of this Annex and belong to any of the Allied and Associated Powers or their nationals. Consequently, the normal duration of such rights shall be deemed to be automatically extended in Roumania for a further term corresponding to the period so excluded.

4. The foregoing provisions concerning the rights in Roumania of the Allied and Associated Powers and their nationals shall apply equally to the rights in the territories of the Allied and Associated Powers of Roumania and its nationals. Nothing, however, in these provisions shall entitle Roumania or its nationals to more favourable treatment in the territory of any

of the Allied and Associated Powers than is accorded by such Power in like cases to other United Nations or their nationals, nor shall Roumania be thereby required to accord to any of the Allied and Associated Powers or its nationals more favourable treatment than Roumania or its nationals receive in the territory of such Power in regard to the matters dealt with in the foregoing provisions.

5. Third parties in the territories of any of the Allied and Associated Powers or Roumania who, before the coming into force of the present Treaty, had bona fide acquired industrial, literary or artistic property rights conflicting with rights restored under part A of this Annex or with rights obtained with the priority provided thereunder, or had bona fide manufactured, published, reproduced, used or sold the subject matter of such rights, shall be permitted, without any liability for infringement, to continue to exercise such rights and to continue or to resume such manufacture, publication, reproduction, use or sale which had been bona fide acquired or commenced. In Roumania, such permission shall take the form of a non-exclusive licence granted on terms and conditions to be mutually agreed by the parties thereto or, in default of agreement, to be fixed by the Conciliation Commission established under Article 32 of the present Treaty. In the territories of each of the Allied and Associated Powers, however, bona fide third parties shall receive such protection as is accorded under similar circumstances to bona fide third parties whose rights are in conflict with those of the nationals of other Allied and Associated Powers.

6. Nothing in part A of this Annex shall be construed to entitle Roumania or its nationals to any patent or utility model rights in the territory of any of the Allied and Associated Powers with respect to inventions, relating to any article listed by name in Annex III of the present Treaty, made, or upon which applications were filed, by Roumania, or any of its nationals, in Roumania or in the territory of any other of the Axis Powers, or in any territory occupied by the Axis forces, during the time when such territory was under the control of the forces or authorities of the Axis Powers.

7. Roumania shall likewise extend the benefits of the foregoing provisions of this Annex to France, and to other United Nations which are not Allied or Associated Powers, whose diplomatic relations with Roumania have been broken off during the war and which undertake to extend to Roumania the benefits accorded to Roumania under the said provisions.

8. Nothing in part A of this Annex shall be understood to conflict with Articles 24, 27 and 29 of the present Treaty.

B. INSURANCE

1. No obstacles, other than any applicable to insurers generally, shall be placed in the way of the resumption by insurers who are United Nations nationals of their former portfolios of business.

2. Should an insurer, who is a national of any of the United Nations, wish to resume his professional activities in Roumania, and should the value of the guarantee deposits or reserves required to be held as a condition of carrying on business in Roumania be found to have decreased as a result of the loss or depreciation of the securities which constituted such deposits or reserves, the Roumanian Government undertakes to accept, for a period of eighteen months, such securities as still remain as fulfilling any legal requirements in respect of deposits and reserves.

ANNEX V

Contracts, Prescription and Negotiable Instruments

A. CONTRACTS

1. Any contract which required for its execution intercourse between any of the parties thereto having become enemies as defined in part D of this Annex, shall, subject to the exceptions set out in paragraphs 2 and 3 below, be deemed to have been dissolved as from the time when any of the parties thereto became enemies. Such dissolution, however, is without prejudice to the provisions of Article 29 of the present Treaty, nor shall it relieve any party to the contract from the obligation to repay amounts received as advances or as payments on account and in respect of which such party has not rendered performance in return.

2. Notwithstanding the provisions of paragraph 1 above, there shall be excepted from dissolution and, without prejudice to the rights contained in Article 27 of the present Treaty, there shall remain in force such parts of any contract as are severable and did not require for their execution intercourse between any of the parties thereto, having become enemies as defined in part D of this Annex. Where the provisions of any contract are not so severable, the contract shall be deemed to have been dissolved in its entirety. The foregoing shall be subject to the application of domestic laws, orders or regulations made by any of the Allied and Associated Powers having jurisdiction over the contract or over any of the parties thereto and shall be subject to the terms of the contract.

3. Nothing in part A of this Annex shall be deemed to invalidate transactions lawfully carried out in accordance with a contract between enemies if they have been carried out with the authorization of the Government of one of the Allied and Associated Powers.

4. Notwithstanding the foregoing provisions, contracts of insurance and re-insurance shall be subject to separate agreements between the Government of the Allied or Associated Power concerned and the Government of Roumania.

B. PERIODS OF PRESCRIPTION

1. All periods of prescription or limitation of right of action or of the right to take conservatory measures in respect of relations affecting persons or property, involving United Nations nationals and Roumanian nationals who, by reason of the state of war, were unable to take judicial action or to comply with the formalities necessary to safeguard their rights, irrespective of whether these periods commenced before or after the outbreak of war, shall be regarded as having been suspended, for the duration of the war, in Roumanian territory on the one hand, and on the other hand in the territory of those United Nations which grant to Roumania, on a reciprocal basis, the benefit of the provisions of this paragraph. These periods shall begin to run again on the coming into force of the present Treaty. The provisions of this paragraph shall be applicable in regard to the periods fixed for the presentation of interest or dividend coupons or for the presentation for payment of securities drawn for repayment or repayable on any other ground.

2. Where, on account of failure to perform any act or to comply with any formality during the war, measures of execution have been taken in Roumanian territory to the prejudice of a national of one of the United Nations, the Roumanian Government shall restore the rights which have been detrimentally affected. If such restoration is impossible or would be inequitable, the Roumanian Government shall provide that the United Nations national shall be afforded such relief as may be just and equitable in the circumstances.

C. NEGOTIABLE INSTRUMENTS

1. As between enemies, no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

2. Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or endorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment, or protest may be made.

3. If a person has, either before or during the war, incurred obligations under a negotiable instrument in consequence of an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain

liable to indemnify the former in respect of these obligations, notwithstanding the outbreak of war.

D. SPECIAL PROVISIONS

1. For the purposes of this Annex, natural or juridical persons shall be regarded as enemies from the date when trading between them shall have become unlawful under laws, orders or regulations to which such persons or the contracts were subject.

2. Having regard to the legal system of the United States of America, the provisions of this Annex shall not apply as between the United States of America and Roumania.

ANNEX VI

Prize Courts and Judgments

A. PRIZE COURTS

Each of the Allied and Associated Powers reserves the right to examine, according to a procedure to be established by it, all decisions and orders of the Roumanian Prize Courts in cases involving ownership rights of its nationals, and to recommend to the Roumanian Government that revision shall be undertaken of such of those decisions or orders as may not be in conformity with international law.

The Roumanian Government undertakes to supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued, and to accept all recommendations made as a result of the examination of the said cases, and to give effect to such recommendations.

B. JUDGMENTS

The Roumanian Government shall take the necessary measures to enable nationals of any of the United Nations at any time within one year from the coming into force of the present Treaty to submit to the appropriate Roumanian authorities for review any judgment given by a Roumanian court between June 22, 1941, and the coming into force of the present Treaty in any proceeding in which the United Nations national was unable to make adequate presentation of his case either as plaintiff or defendant. The Roumanian Government shall provide that, where the United Nations national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances. The term "United Nations nationals" includes corporations or associations organised or constituted under the laws of any of the United Nations.

In faith whereof the undersigned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in the city of Paris in the Russian, English, French and Roumanian languages this tenth day of February, One Thousand Nine Hundred Forty-Seven.

For the Union of Soviet Socialist
Republics:

V. MOLOTOV [SEAL]
A BOGOMOLOV [SEAL]

For the United Kingdom of Great
Britain and Northern Ireland:

ERNEST BEVIN
DUFF COOPER [SEAL]

For the United States of America:

JAMES F. BYRNES [SEAL]
JEFFERSON CAFFERY [SEAL]

For Australia:

JOHN A. BEASLEY [SEAL]

For the Byelorussian Soviet Socialist
Republic:

K. KISSELEV [SEAL]

For Canada:

GEORGE P. VANIER [SEAL]

For Czechoslovakia:

JAN MASARYK [SEAL]
V. CLEMENTIS [SEAL]

For India:

S. E. RUNGANADHAN [SEAL]

For New Zealand:

W. J. JORDAN [SEAL]

For the Ukrainian Soviet Socialist
Republic:

I. SENIN [SEAL]

For the Union of South Africa:

W. G. PARMINTER [SEAL]

For Roumania:

GH. TATARESCO [SEAL]
L. PATRASCANO [SEAL]
S. VOITEC [SEAL]
GEN. D. DAMACEANO [SEAL]

TREATY OF PEACE WITH BULGARIA

Treaty, with annexes, signed at Paris February 10, 1947

Senate advice and consent to ratification June 5, 1947

Ratified by the President of the United States June 14, 1947

Ratification of the United States deposited at Moscow September 15, 1947

Entered into force September 15, 1947

*Proclaimed by the President of the United States September 15, 1947*¹

61 Stat. 1915; Treaties and Other
International Acts Series 1650

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Australia, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Greece, India, New Zealand, the Ukrainian Soviet Socialist Republic, the Union of South Africa and the People's Federal Republic of Yugoslavia, as the States which are at war with Bulgaria and actively waged war against the European enemy states with substantial military forces, hereinafter referred to as "the Allied and Associated Powers", of the one part,

and Bulgaria, of the other part;

Whereas Bulgaria, having become an ally of Hitlerite Germany and having participated on her side in the war against the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and other United Nations, bears her share of responsibility for this war;

Whereas, however, Bulgaria, having ceased military operations against the United Nations, broke off relations with Germany, and, having concluded on October 28, 1944, an Armistice² with the Governments of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, acting on behalf of all the United Nations at war with Bulgaria, took an active part in the war against Germany; and

¹ In his proclamation the President also said, ". . . I . . . do hereby further proclaim that the state of war between the United States of America and Bulgaria terminated on September 15, 1947."

² EAS 437, *ante*, vol. 3, p. 909.

Whereas the Allied and Associated Powers and Bulgaria are desirous of concluding a treaty of peace, which, conforming to the principles of justice, will settle questions still outstanding as a result of the events hereinbefore recited and form the basis of friendly relations between them, thereby enabling the Allied and Associated Powers to support Bulgaria's application to become a member of the United Nations and also to adhere to any Convention concluded under the auspices of the United Nations;

Have therefore agreed to declare the cessation of the state of war and for this purpose to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

PART I

FRONTIERS OF BULGARIA

ARTICLE 1

The frontiers of Bulgaria, as shown on the map annexed to the present Treaty (Annex I),³ shall be those which existed on January 1, 1941.

PART II

POLITICAL CLAUSES

Section I

ARTICLE 2

Bulgaria shall take all measures necessary to secure to all persons under Bulgarian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

ARTICLE 3

Bulgaria, which in accordance with the Armistice Agreement has taken measures to set free, irrespective of citizenship and nationality, all persons held in confinement on account of their activities in favour of, or because of their sympathies with, the United Nations or because of their racial origin, and to repeal discriminatory legislation and restrictions imposed thereunder, shall complete these measures and shall in future not take any measures or enact any laws which would be incompatible with the purposes set forth in this Article.

³ This annex is a large-scale map. A copy of the map as received with the certified copy of the treaty is deposited with the treaty in the archives of the Department of State, where it is available for reference.

ARTICLE 4

Bulgaria, which in accordance with the Armistice Agreement has taken measures for dissolving all organisations of a Fascist type on Bulgarian territory, whether political, military or para-military, as well as other organisations conducting propaganda hostile to the United Nations, shall not permit in future the existence and activities of organisations of that nature which have as their aim denial to the people of their democratic rights.

ARTICLE 5

1. Bulgaria shall take all necessary steps to ensure the apprehension and surrender for trial of:

(a) Persons accused of having committed, ordered or abetted war crimes and crimes against peace or humanity;

(b) Nationals of any Allied or Associated Power accused of having violated their national law by treason or collaboration with the enemy during the war.

2. At the request of the United Nations Government concerned, Bulgaria shall likewise make available as witnesses persons within its jurisdiction, whose evidence is required for the trial of the persons referred to in paragraph 1 of this Article.

3. Any disagreement concerning the application of the provisions of paragraphs 1 and 2 of this Article shall be referred by any of the Governments concerned to the Heads of the Diplomatic Missions in Sofia of the Soviet Union, the United Kingdom and the United States of America, who will reach agreement with regard to the difficulty.

Section II

ARTICLE 6

Bulgaria undertakes to recognize the full force of the Treaties of Peace with Italy, Roumania, Hungary and Finland and other agreements or arrangements which have been or will be reached by the Allied and Associated Powers in respect of Austria, Germany and Japan for the restoration of peace.

ARTICLE 7

Bulgaria undertakes to accept any arrangements which have been or may be agreed for the liquidation of the League of Nations and the Permanent Court of International Justice.

ARTICLE 8

1. Each Allied or Associated Power will notify Bulgaria, within a period of six months from the coming into force of the present Treaty, which of its

pre-war bilateral treaties with Bulgaria it desires to keep in force or revive. Any provisions not in conformity with the present Treaty shall, however, be deleted from the above-mentioned treaties.⁴

2. All such treaties so notified shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.⁵

3. All such treaties not so notified shall be regarded as abrogated.

PART III

MILITARY, NAVAL AND AIR CLAUSES

Section I

ARTICLE 9

The maintenance of land, sea and air armaments and fortifications shall be closely restricted to meeting tasks of an internal character and local defence of frontiers. In accordance with the foregoing, Bulgaria is authorised to have armed forces consisting or not more than :

(a) A land army, including frontier troops, with a total strength of 55,000 personnel;

(b) Anti-aircraft artillery with a strength of 1,800 personnel;

(c) A navy with a personnel strength of 3,500 and a total tonnage of 7,250 tons;

(d) An air force, including any naval air arm, of 90 aircraft, including reserves, of which not more than 70 may be combat types of aircraft, with a total personnel strength of 5,200. Bulgaria shall not possess or acquire any aircraft designed primarily as bombers with internal bomb-carrying facilities.

These strengths shall in each case include combat, service and overhead personnel.

ARTICLE 10

The personnel of the Bulgarian Army, Navy and Air Force in excess of the respective strengths permitted under Article 9 shall be disbanded within six months from the coming into force of the present Treaty.

ARTICLE 11

Personnel not included in the Bulgarian Army, Navy or Air Force shall not receive any form of military training, naval training or military air training as defined in Annex II.

⁴ For text of note from the American Minister at Sofia to the Minister of Foreign Affairs, dated Mar. 8, 1948, giving such notification, see *Department of State Bulletin*, Mar. 21, 1948, p. 382.

⁵ TS 993, *ante*, vol. 3, p. 1176.

ARTICLE 12

1. The following construction to the north of the Greco-Bulgarian frontier is prohibited: permanent fortifications where weapons capable of firing into Greek territory can be emplaced; permanent military installations capable of being used to conduct or direct fire into Greek territory; and permanent supply and storage facilities emplaced solely for the use of the said fortifications and installations.

2. This prohibition does not include other types of non-permanent fortifications or surface accommodations and installations which are designed to meet only requirements of an internal character and of local defence of the frontiers.

ARTICLE 13

Bulgaria shall not possess, construct or experiment with any atomic weapon, any self-propelled or guided missiles or apparatus connected with their discharge (other than torpedoes and torpedo-launching gear comprising the normal armament of naval vessels permitted by the present Treaty), sea mines or torpedoes of non-contact types actuated by influence mechanisms, torpedoes capable of being manned, submarine or other submersible craft, motor torpedo boats, or specialised types of assault craft.

ARTICLE 14

Bulgaria shall not retain, produce or otherwise acquire, or maintain facilities for the manufacture of, war material in excess of that required for the maintenance of the armed forces permitted under Article 9 of the present Treaty.

ARTICLE 15

1. Excess war material of Allied origin shall be placed at the disposal of the Allied or Associated Power concerned according to the instructions given by that Power. Excess Bulgarian war material shall be placed at the disposal of the Governments of the Soviet Union, the United Kingdom and the United States of America. Bulgaria shall renounce all rights to this material.

2. War material of German origin or design in excess of that required for the armed forces permitted under the present Treaty shall be placed at the disposal of the Three Governments. Bulgaria shall not acquire or manufacture any war material of German origin or design, or employ or train any technicians, including military and civil aviation personnel, who are or have been nationals of Germany.

3. Excess war material mentioned in paragraphs 1 and 2 of this Article shall be handed over or destroyed within one year from the coming into force of the present Treaty.

4. A definition and list of war material for the purposes of the present Treaty are contained in Annex III.

ARTICLE 16

Bulgaria shall co-operate fully with the Allied and Associated Powers with a view to ensuring that Germany may not be able to take steps outside German territory towards rearmament.

ARTICLE 17

Bulgaria shall not acquire or manufacture civil aircraft which are of German or Japanese design or which embody major assemblies of German or Japanese manufacture or design.

ARTICLE 18

Each of the military, naval and air clauses of the present Treaty shall remain in force until modified in whole or in part by agreement between the Allied and Associated Powers and Bulgaria or, after Bulgaria becomes a member of the United Nations, by agreement between the Security Council and Bulgaria.

Section II

ARTICLE 19

1. Bulgarian prisoners of war shall be repatriated as soon as possible, in accordance with arrangements agreed upon by the individual Powers detaining them and Bulgaria.

2. All costs, including maintenance costs, incurred in moving Bulgarian prisoners of war from their respective assembly points, as chosen by the Government of the Allied or Associated Power concerned, to the point of their entry into Bulgarian territory, shall be borne by the Bulgarian Government.

PART IV

WITHDRAWAL OF ALLIED FORCES

ARTICLE 20

1. All armed forces of the Allied and Associated Powers shall be withdrawn from Bulgaria as soon as possible and in any case not later than 90 days from the coming into force of the present Treaty.

2. All unused Bulgarian currency and all Bulgarian goods in possession of the Allied force in Bulgaria, acquired pursuant to Article 15 of the Armistice Agreement, shall be returned to the Bulgarian Government within the same period of 90 days.

3. Bulgaria shall, however, provide, during the period between the coming into force of the present Treaty and the final withdrawal of Allied forces, all such supplies and facilities as may be specifically required for the forces of the Allied and Associated Powers which are being withdrawn, and due compensation shall be paid to the Bulgarian Government for such supplies and facilities.

PART V

REPARATION AND RESTITUTION

ARTICLE 21

1. Losses caused to Yugoslavia and Greece by military operations and by the occupation by Bulgaria of the territory of those States shall be made good by Bulgaria to Yugoslavia and Greece, but, taking into consideration that Bulgaria has not only withdrawn from the war against the United Nations, but has declared and, in fact, waged war against Germany, the Parties agree that compensation for the above losses will be made by Bulgaria not in full but only in part, namely in the amount of \$70,000,000 payable in kind from the products of manufacturing and extractive industries and agriculture over eight years beginning from the coming into force of the present Treaty. The sum to be paid to Greece shall amount to \$45,000,000 and the sum to be paid to Yugoslavia shall amount to \$25,000,000.

2. The quantities and categories of goods to be delivered shall be determined by agreements to be concluded by the Governments of Greece and Yugoslavia with the Government of Bulgaria. These agreements shall be communicated to the Heads of the Diplomatic Missions in Sofia of the Soviet Union, the United Kingdom and the United States of America.

3. The basis of calculation for the settlement provided in this Article will be the United States dollar at its gold parity on July 1, 1946, i.e. \$35 for one ounce of gold.

4. The basis of valuation of goods delivered under this Article shall be the 1938 international market prices in United States dollars, with an increase of fifteen per cent. for industrial products and ten per cent. for other products. The cost of transport to the Greek or Yugoslav frontier shall be chargeable to the Bulgarian Government.

ARTICLE 22

1. Bulgaria accepts the principles of the United Nations Declaration of January 5, 1943,⁶ and shall return, in the shortest possible time, property removed from the territory of any of the United Nations.

2. The obligation to make restitution applies to all identifiable property at present in Bulgaria which was removed by force or duress by any of the Axis Powers from the territory of any of the United Nations, irrespective of any subsequent transactions by which the present holder of any such property has secured possession.

3. If, in particular cases, it is impossible for Bulgaria to make restitution of objects of artistic, historic or archaeological value, belonging to the cul-

⁶ *Ante*, vol. 3, p. 754.

tural heritage of the United Nation from whose territory such objects were removed by force or duress by Bulgarian forces, authorities or nationals, Bulgaria shall transfer to the United Nation concerned objects of the same kind as, and of approximately equivalent value to, the objects removed, in so far as such objects are obtainable in Bulgaria.

4. The Bulgarian Government shall return the property referred to in this Article in good order and, in this connection, shall bear all costs in Bulgaria relating to labour, materials and transport.

5. The Bulgarian Government shall co-operate with the United Nations in, and shall provide at its own expense all necessary facilities for, the search for and restitution of property liable to restitution under this Article.

6. The Bulgarian Government shall take the necessary measures to effect the return of property covered by this Article held in any third country by persons subject to Bulgarian jurisdiction.

7. Claims for the restitution of property shall be presented to the Bulgarian Government by the Government of the country from whose territory the property was removed, it being understood that rolling stock shall be regarded as having been removed from the territory to which it originally belonged. The period during which such claims may be presented shall be six months from the coming into force of the present Treaty.

8. The burden of identifying the property and of proving ownership shall rest on the claimant Government, and the burden of proving that the property was not removed by force or duress shall rest on the Bulgarian Government.

PART VI

ECONOMIC CLAUSES

ARTICLE 23

1. In so far as Bulgaria has not already done so, Bulgaria shall restore all legal rights and interests in Bulgaria of the United Nations and their nationals as they existed on April 24, 1941, and shall return all property in Bulgaria of the United Nations and their nationals as it now exists.

2. The Bulgarian Government undertakes that all property, rights and interests passing under this Article shall be restored free of all encumbrances and charges of any kind to which they may have become subject as a result of the war and without the imposition of any charges by the Bulgarian Government in connection with their return. The Bulgarian Government shall nullify all measures, including seizures, sequestration or control, taken by it against United Nations property between April 24, 1941, and the coming into force of the present Treaty. In cases where the property has not been returned within six months from the coming into force of the present Treaty, application shall be made to the Bulgarian authorities not later than twelve

months from the coming into force of the Treaty, except in cases in which the claimant is able to show that he could not file his application within this period.

3. The Bulgarian Government shall invalidate transfers involving property, rights and interests of any description belonging to United Nations nationals, where such transfers resulted from force or duress exerted by Axis Governments or their agents during the war.

4. (a) The Bulgarian Government shall be responsible for the restoration to complete good order of the property returned to United Nations nationals under paragraph 1 of this Article. In cases where property cannot be returned or where, as a result of the war, a United Nations national has suffered a loss by reason of injury or damage to property in Bulgaria, he shall receive from the Bulgarian Government compensation in levas to the extent of two-thirds of the sum necessary, at the date of payment, to purchase similar property or to make good the loss suffered. In no event shall United Nations nationals receive less favourable treatment with respect to compensation than that accorded to Bulgarian nationals.

(b) United Nations nationals who hold, directly or indirectly, ownership interests in corporations or associations which are not United Nations nationals within the meaning of paragraph 8(a) of this Article, but which have suffered a loss by reason of injury or damage to property in Bulgaria, shall receive compensation in accordance with sub-paragraph (a) above. This compensation shall be calculated on the basis of the total loss or damage suffered by the corporation or association and shall bear the same proportion to such loss or damage as the beneficial interests of such nationals in the corporation or association bear to the total capital thereof.

(c) Compensation shall be paid free of any levies, taxes or other charges. It shall be freely usable in Bulgaria but shall be subject to the foreign exchange control regulations which may be in force in Bulgaria from time to time.

(d) The Bulgarian Government shall accord to United Nations nationals the same treatment in the allocation of materials for the repair or rehabilitation of their property in Bulgaria and in the allocation of foreign exchange for the importation of such materials as applies to Bulgarian nationals.

(e) The Bulgarian Government shall grant United Nations nationals an indemnity in levas at the same rate as provided in sub-paragraph (a) above to compensate them for the loss or damage due to special measures applied to their property during the war, and which were not applicable to Bulgarian property. This sub-paragraph does not apply to a loss of profit.

5. All reasonable expenses incurred in Bulgaria in establishing claims, including the assessment of loss or damage, shall be borne by the Bulgarian Government.

6. United Nations nationals and their property shall be exempted from any exceptional taxes, levies or imposts imposed on their capital assets in Bulgaria by the Bulgarian Government or any Bulgarian authority between the date of the Armistice and the coming into force of the present Treaty for the specific purpose of meeting charges arising out of the war or of meeting the costs of occupying forces or of reparation payable to any of the United Nations. Any sums which have been so paid shall be refunded.

7. The owner of the property concerned and the Bulgarian Government may agree upon arrangements in lieu of the provisions of this Article.

8. As used in this Article:

(a) "United Nations nationals" means individuals who are nationals of any of the United Nations, or corporations or associations organised under the laws of any of the United Nations, at the coming into force of the present Treaty, provided that the said individuals, corporations or associations also had this status at the date of the Armistice with Bulgaria.

The term "United Nations nationals" also includes all individuals, corporations or associations which, under the laws in force in Bulgaria during the war, have been treated as enemy;

(b) "Owner" means the United Nations national, as defined in sub-paragraph (a) above, who is entitled to the property in question, and includes a successor of the owner, provided that the successor is also a United Nations national as defined in sub-paragraph (a). If the successor has purchased the property in its damaged state, the transferor shall retain his rights to compensation under this Article, without prejudice to obligations between the transferor and the purchaser under domestic law;

(c) "Property" means all movable or immovable property, whether tangible or intangible, including industrial, literary and artistic property, as well as all rights or interests of any kind in property.

ARTICLE 24

Bulgaria recognizes that the Soviet Union is entitled to all German assets in Bulgaria transferred to the Soviet Union by the Control Council for Germany and undertakes to take all necessary measures to facilitate such transfers.

ARTICLE 25

1. Each of the Allied and Associated Powers shall have the right to seize, retain, liquidate or take any other action with respect to all property, rights and interests which at the coming into force of the present Treaty are within its territory and belong to Bulgaria or to Bulgarian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Bulgaria or Bulgarian nationals, including debts, other than claims fully satisfied under

other Articles of the present Treaty. All Bulgarian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned.

2. The liquidation and disposition of Bulgarian property shall be carried out in accordance with the law of the Allied or Associated Power concerned. The Bulgarian owner shall have no rights with respect to such property except those which may be given him by that law.

3. The Bulgarian Government undertakes to compensate Bulgarian nationals whose property is taken under this Article and not returned to them.

4. No obligation is created by this Article on any Allied or Associated Power to return industrial property to the Bulgarian Government or Bulgarian nationals, or to include such property in determining the amounts which may be retained under paragraph 1 of this Article. The Government of each of the Allied and Associated Powers shall have the right to impose such limitations, conditions and restrictions on rights or interests with respect to industrial property in the territory of that Allied or Associated Power, acquired prior to the coming into force of the present Treaty by the Government or nationals of Bulgaria, as may be deemed by the Government of the Allied or Associated Power to be necessary in the national interest.

5. The property covered by paragraph 1 of this Article shall be deemed to include Bulgarian property which has been subject to control by reason of a state of war existing between Bulgaria and the Allied or Associated Power having jurisdiction over the property, but shall not include:

(a) Property of the Bulgarian Government used for consular or diplomatic purposes;

(b) Property belonging to religious bodies or private charitable institutions and used for religious or charitable purposes;

(c) Property of natural persons who are Bulgarian nationals permitted to reside within the territory of the country in which the property is located or to reside elsewhere in United Nations territory, other than Bulgarian property which at any time during the war was subjected to measures not generally applicable to the property of Bulgarian nationals resident in the same territory;

(d) Property rights arising since the resumption of trade and financial relations between the Allied and Associated Powers and Bulgaria, or arising out of transactions between the Government of any Allied or Associated Power and Bulgaria since October 28, 1944;

(e) Literary and artistic property rights.

ARTICLE 26

1. From the coming into force of the present Treaty, property in Germany of Bulgaria and of Bulgarian nationals shall no longer be treated as enemy property and all restrictions based on such treatment shall be removed.

2. Identifiable property of Bulgaria and of Bulgarian nationals removed by force or duress from Bulgarian territory to Germany by German forces or authorities after October 28, 1944, shall be eligible for restitution.

3. The restoration and restitution of Bulgarian property in Germany shall be effected in accordance with measures which will be determined by the Powers in occupation of Germany.

4. Without prejudice to these and to any other dispositions in favour of Bulgaria and Bulgarian nationals by the Powers occupying Germany, Bulgaria waives on its own behalf and on behalf of Bulgarian nationals, all claims against Germany and German nationals outstanding on May 8, 1945, except those arising out of contracts and other obligations entered into, and rights acquired, before September 1, 1939. This waiver shall be deemed to include debts, all inter-governmental claims in respect of arrangements entered into in the course of the war and all claims for loss or damage arising during the war.

ARTICLE 27

1. The existence of the state of war shall not, in itself, be regarded as affecting the obligation to pay pecuniary debts arising out of obligations and contracts which existed, and rights which were acquired, before the existence of the state of war, which became payable prior to the coming into force of the present Treaty, and which are due by the Government or nationals of Bulgaria to the Government or nationals of one of the Allied and Associated Powers or are due by the Government or nationals of one of the Allied and Associated Powers to the Government or nationals of Bulgaria.

2. Except as otherwise expressly provided in the present Treaty, nothing therein shall be construed as impairing debtor-creditor relationships arising out of pre-war contracts concluded either by the Government or nationals of Bulgaria.

ARTICLE 28

1. Bulgaria waives all claims of any description against the Allied and Associated Powers on behalf of the Bulgarian Government or Bulgarian nationals arising directly out of the war or out of actions taken because of the existence of a state of war in Europe after September 1, 1939, whether or not the Allied or Associated Power was at war with Bulgaria at the time, including the following:

(a) Claims for losses or damages sustained as a consequence of acts of forces or authorities of Allied or Associated Powers;

(b) Claims arising from the presence, operations or actions of forces or authorities of Allied or Associated Powers in Bulgarian territory;

(c) Claims with respect to the decrees or orders of Prize Courts of Allied or Associated Powers, Bulgaria agreeing to accept as valid and binding all

decrees and orders of such Prize Courts on or after September 1, 1939, concerning Bulgarian ships or Bulgarian goods or the payment of costs;

(*d*) Claims arising out of the exercise or purported exercise of belligerent rights.

2. The provisions of this Article shall bar, completely and finally, all claims of the nature referred to herein, which will be henceforward extinguished, whoever may be the parties in interest. The Bulgarian Government agrees to make equitable compensation in levas to persons who furnished supplies or services on requisition to the forces of Allied or Associated Powers in Bulgarian territory and in satisfaction of non-combat damage claims against the forces of Allied or Associated Powers arising in Bulgarian territory.

3. Bulgaria likewise waives all claims of the nature covered by paragraph 1 of this Article on behalf of the Bulgarian Government or Bulgarian nationals against any of the United Nations whose diplomatic relations with Bulgaria were broken off during the war and which took action in cooperation with the Allied and Associated Powers.

4. The waiver of claims by Bulgaria under paragraph 1 of this Article includes any claims arising out of actions taken by any of the Allied and Associated Powers with respect to Bulgarian ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising out of the Conventions on prisoners of war now in force.

ARTICLE 29

1. Pending the conclusion of commercial treaties or agreements between individual United Nations and Bulgaria, the Bulgarian Government shall, during a period of eighteen months from the coming into force of the present Treaty, grant the following treatment to each of the United Nations which, in fact, reciprocally grants similar treatment in like matters to Bulgaria:

(*a*) In all that concerns duties and charges on importation or exportation, the internal taxation of imported goods and all regulations pertaining thereto, the United Nations shall be granted unconditional most-favoured-nation treatment;

(*b*) In all other respects, Bulgaria shall make no arbitrary discrimination against goods originating in or destined for any territory of any of the United Nations as compared with like goods originating in or destined for territory of any other of the United Nations or of any other foreign country;

(*c*) United Nations nationals, including juridical persons, shall be granted national and most-favoured-nation treatment in all matters pertaining to commerce, industry, shipping and other forms of business activity within Bulgaria. These provisions shall not apply to commercial aviation;

(*d*) Bulgaria shall grant no exclusive or discriminatory right to any country with regard to the operation of commercial aircraft in international traf-

fic, shall afford all the United Nations equality of opportunity in obtaining international commercial aviation rights in Bulgarian territory, including the right to land for refueling and repair, and, with regard to the operation of commercial aircraft in international traffic, shall grant on a reciprocal and non-discriminatory basis to all United Nations the right to fly over Bulgarian territory without landing. These provisions shall not affect the interests of the national defence of Bulgaria.

2. The foregoing undertakings by Bulgaria shall be understood to be subject to the exceptions customarily included in commercial treaties concluded by Bulgaria before the war, and the provisions with respect to reciprocity granted by each of the United Nations shall be understood to be subject to the exceptions customarily included in the commercial treaties concluded by that State.

ARTICLE 30

Bulgaria shall facilitate as far as possible railway traffic in transit through its territory at reasonable rates and shall negotiate with neighboring States all reciprocal agreements necessary for this purpose.

ARTICLE 31

1. Any disputes which may arise in connection with Articles 22 and 23 and Annexes IV, V and VI of the present Treaty shall be referred to a Conciliation Commission composed of an equal number of representatives of the United Nations Government concerned and of the Bulgarian Government. If agreement has not been reached within three months of the dispute having been referred to the Conciliation Commission, either Government may require the addition of a third member to the Commission, and failing agreement between the two Governments on the selection of this member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission and shall be accepted by the parties as definitive and binding.

ARTICLE 32

Articles 22, 23, 29 and Annex VI of the present Treaty shall apply to the Allied and Associated Powers and France and to those of the United Nations whose diplomatic relations with Bulgaria have been broken off during the war.

ARTICLE 33

The provisions of Annexes IV, V and VI shall, as in the case of the other Annexes, have force and effect as integral parts of the present Treaty.

PART VII
CLAUSE RELATING TO THE DANUBE

ARTICLE 34

Navigation on the Danube shall be free and open for the nationals, vessels of commerce, and goods of all States, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping. The foregoing shall not apply to traffic between ports of the same State.

PART VIII
FINAL CLAUSES

ARTICLE 35

1. For a period not to exceed eighteen months from the coming into force of the present Treaty, the Heads of the Diplomatic Missions in Sofia of the Soviet Union, the United Kingdom and the United States of America, acting in concert, will represent the Allied and Associated Powers in dealing with the Bulgarian Government in all matters concerning the execution and interpretation of the present Treaty.

2. The Three Heads of Mission will give the Bulgarian Government such guidance, technical advice and clarification as may be necessary to ensure the rapid and efficient execution of the present Treaty both in letter and in spirit.

3. The Bulgarian Government shall afford the said Three Heads of Mission all necessary information and any assistance which they may require in the fulfilment of the tasks devolving on them under the present Treaty.

ARTICLE 36

1. Except where another procedure is specifically provided under any Article of the present Treaty, any dispute concerning the interpretation or execution of the Treaty, which is not settled by direct diplomatic negotiations, shall be referred to the Three Heads of Mission acting under Article 35, except that in this case the Heads of Mission will not be restricted by the time limit provided in that Article. Any such dispute not resolved by them within a period of two months shall, unless the parties to the dispute mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 37

1. Any member of the United Nations, not a signatory to the present Treaty, which is at war with Bulgaria, may accede to the Treaty and upon accession shall be deemed to be an Associated Power for the purposes of the Treaty.

2. Instruments of accession shall be deposited with the Government of the Union of Soviet Socialist Republics and shall take effect upon deposit.

ARTICLE 38

The present Treaty, of which the Russian and English texts are authentic, shall be ratified by the Allied and Associated Powers. It shall also be ratified by Bulgaria. It shall come into force immediately upon the deposit of ratifications by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The instruments of ratification shall, in the shortest time possible, be deposited with the Government of the Union of Soviet Socialist Republics.

With respect to each Allied or Associated Power whose instrument of ratification is thereafter deposited, the Treaty shall come into force upon the date of deposit. The present Treaty shall be deposited in the archives of the Government of the Union of Soviet Socialist Republics, which shall furnish certified copies to each of the signatory States.

LIST OF ANNEXES

- I. Map of Bulgarian Frontiers¹
- II. Definition of Military, Military Air and Naval Training
- III. Definition and list of war material
- IV. Industrial, Literary and Artistic Property
- V. Contracts, Prescription and Negotiable Instruments
- VI. Judgments

ANNEX I

(See Article 1)

Map of the Bulgarian Frontiers¹

ANNEX II

(See Article 11)

Definition of Military, Military Air and Naval Training

1. Military training is defined as: the study of and practice in the use of war material specially designed or adapted for army purposes, and training

¹ See footnote 3, p. 430.

devices relative thereto; the study and carrying out of all drill or movements which teach or practice evolutions performed by fighting forces in battle; and the organised study of tactics, strategy and staff work.

2. Military air training is defined as: the study of and practice in the use of war material specially designed or adapted for air force purposes, and training devices relative thereto; the study and practice of all specialised evolutions, including formation flying, performed by aircraft in the accomplishment of an air force mission; and the organised study of air tactics, strategy and staff work.

3. Naval training is defined as: the study, administration or practice in the use of warships or naval establishments as well as the study or employment of all apparatus and training devices relative thereto, which are used in the prosecution of naval warfare, except for those which are also normally used for civilian purposes; also the teaching, practice or organised study of naval tactics, strategy and staff work including the execution of all operations and manoeuvres not required in the peaceful employment of ships.

ANNEX III

(See Article 15)

Definition and List of War Material

The term "war material" as used in the present Treaty shall include all arms, ammunition and implements specially designed or adapted for use in war as listed below.

The Allied and Associated Powers reserve the right to amend the list periodically by modification or addition in the light of subsequent scientific development.

Category I

1. Military rifles, carbines, revolvers and pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use.

2. Machine guns, military automatic or autoloading rifles, and machine pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use; machine gun mounts.

3. Guns, howitzers, mortars, cannon special to aircraft; breechless or recoilless guns and flamethrowers; barrels and other spare parts not readily adaptable for civilian use; carriages and mountings for the foregoing.

4. Rocket projectors; launching and control mechanisms for self-propelling and guided missiles; mountings for same.

5. Self-propelling and guided missiles, projectiles, rockets, fixed ammunition and cartridges, filled or unfilled, for the arms listed in sub-paragraphs 1-4 above and fuses, tubes or contrivances to explode or operate them. Fuses required for civilian use are not included.

6. Grenades, bombs, torpedoes, mines, depth charges and incendiary material or charges, filled or unfilled; all means for exploding or operating them. Fuses required for civilian use are not included.

7. Bayonets.

Category II

1. Armoured fighting vehicles; armoured trains, not technically convertible to civilian use.

2. Mechanical and self propelled carriages for any of the weapons listed in Category I; special type military chassis or bodies other than those enumerated in sub-paragraph 1 above.

3. Armour plate, greater than three inches in thickness, used for protective purposes in warfare.

Category III

1. Aiming and computing devices, including predictors and plotting apparatus, for fire control; direction of fire instruments; gun sights; bomb sights; fuse setters; equipment for the calibration of guns and fire control instruments.

2. Assault bridging, assault boats and storm boats.

3. Deceptive warfare, dazzle and decoy devices.

4. Personal war equipment of a specialised nature not readily adaptable to civilian use.

Category IV

1. Warships of all kinds, including converted vessels and craft designed or intended for their attendance or support, which cannot be technically reconverted to civilian use, as well as weapons, armour, ammunition, aircraft and all other equipment, material, machines and installations not used in peace time on ships other than warships.

2. Landing craft and amphibious vehicles or equipment of any kind; assault boats or devices of any type as well as catapults or other apparatus for launching or throwing aircraft, rockets, propelled weapons or any other missile, instrument or device whether manned or unmanned, guided or uncontrolled.

3. Submersible or semi-submersible ships, craft, weapons, devices or apparatus of any kind, including specially designed harbour defence booms, except as required by salvage, rescue or other civilian uses, as well as all equipment, accessories, spare parts, experimental or training aids, instruments or installations as may be specially designed for the construction, testing, maintenance or housing of the same.

Category V

1. Aircraft, assembled or unassembled, both heavier and lighter than air, which are designed or adapted for aerial combat by the use of machine guns,

rocket projectors or artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of their design or construction are prepared for, any of the appliances referred to in sub-paragraph 2 below.

2. Aerial gun mounts and frames, bomb racks, torpedo carriers and bomb release or torpedo release mechanisms; gun turrets and blisters.

3. Equipment specially designed for and used solely by airborne troops.

4. Catapults or launching apparatus for ship-borne, land- or sea-based aircraft; apparatus for launching aircraft weapons.

5. Barrage balloons.

Category VI

Asphyxiating, lethal, toxic or incapacitating substances intended for war purposes, or manufactured in excess of civilian requirements.

Category VII

Propellants, explosives, pyrotechnics or liquefied gases destined for the propulsion, explosion, charging or filling of, or for use in connection with, the war material in the present categories, not capable of civilian use or manufactured in excess of civilian requirements.

Category VIII

Factory and tool equipment specially designed for the production and maintenance of the material enumerated above and not technically convertible to civilian use.

ANNEX IV

Industrial, Literary and Artistic Property

1. (a) A period of one year from the coming into force of the present Treaty shall be accorded to the Allied and Associated Powers and their nationals without extension fees or other penalty of any sort in order to enable them to accomplish all necessary acts for the obtaining or preserving in Bulgaria of rights in industrial, literary and artistic property which were not capable of accomplishment owing to the existence of a state of war.

(b) Allied and Associated Powers or their nationals who had duly applied in the territory of any Allied or Associated Power for a patent or registration of a utility model not earlier than twelve months before the outbreak of the war with Bulgaria or during the war, or for the registration of an industrial design or model or trade mark not earlier than six months before the outbreak of the war with Bulgaria or during the war, shall be entitled within twelve months after the coming into force of the present Treaty to apply for corresponding rights in Bulgaria, with a right of priority based upon the previous filing of the application in the territory of that Allied or Associated Power.

(c) Each of the Allied and Associated Powers and its nationals shall be accorded a period of one year from the coming into force of the present Treaty during which they may institute proceedings in Bulgaria against those natural or juridical persons who are alleged illegally to have infringed their rights in industrial, literary or artistic property between the date of the outbreak of the war and the coming into force of the Treaty.

2. A period from the outbreak of the war until a date eighteen months after the coming into force of the present Treaty shall be excluded in determining the time within which a patent must be worked or a design or trade mark used.

3. The period from the outbreak of the war until the coming into force of the present Treaty shall be excluded from the normal term of rights in industrial, literary and artistic property which were in force in Bulgaria at the outbreak of the war or which are recognized or established under this Annex and belong to any of the Allied and Associated Powers or their nationals. Consequently, the normal duration of such rights shall be deemed to be automatically extended in Bulgaria for a further term corresponding to the period so excluded.

4. The foregoing provisions concerning the rights in Bulgaria of the Allied and Associated Powers and their nationals shall apply equally to the rights in the territories of the Allied and Associated Powers of Bulgaria and its nationals. Nothing, however, in these provisions shall entitle Bulgaria or its nationals to more favorable treatment in the territory of any of the Allied and Associated Powers than is accorded by such Power in like cases to other United Nations or their nationals, nor shall Bulgaria be thereby required to accord to any of the Allied and Associated Powers or its nationals more favorable treatment than Bulgaria or its nationals receive in the territory of such Power in regard to the matters dealt with in the foregoing provisions.

5. Third parties in the territories of any of the Allied and Associated Powers or Bulgaria who, before the coming into force of the present Treaty, had bona fide acquired industrial, literary or artistic property rights conflicting with rights restored under this Annex or with rights obtained with the priority provided thereunder, or had bona fide manufactured, published, reproduced, used or sold the subject matter of such rights, shall be permitted, without any liability for infringement, to continue to exercise such rights and to continue or to resume such manufacture, publication, reproduction, use or sale which had been bona fide acquired or commenced. In Bulgaria, such permission shall take the form of a non-exclusive licence granted on terms and conditions to be mutually agreed by the parties thereto or, in default of agreement, to be fixed by the Conciliation Commission established under Article 31 of the present Treaty. In the territories of each of the Allied and Associated Powers, however, bona fide third parties shall receive such protection as is accorded under similar circumstances to bona fide third parties

whose rights are in conflict with those of the nationals of other Allied and Associated Powers.

6. Nothing in this Annex shall be construed to entitle Bulgaria or its nationals to any patent or utility model rights in the territory of any of the Allied and Associated Powers with respect to inventions, relating to any article listed by name in Annex III of the present Treaty, made, or upon which applications were filed, by Bulgaria, or any of its nationals, in Bulgaria or in the territory of any other of the Axis Powers, or in any territory occupied by the Axis forces, during the time when such territory was under the control of the forces or authorities of the Axis Powers.

7. Bulgaria shall likewise extend the benefits of the foregoing provisions of this Annex to France, and to other United Nations which are not Allied or Associated Powers, whose diplomatic relations with Bulgaria have been broken off during the war and which undertake to extend to Bulgaria the benefits accorded to Bulgaria under the said provisions.

8. Nothing in this Annex shall be understood to conflict with Articles 23, 25 and 27 of the present Treaty.

ANNEX V

Contracts, Prescription and Negotiable Instruments

A. CONTRACTS

1. Any contract which required for its execution intercourse between any of the parties thereto having become enemies as defined in part D of this Annex, shall, subject to the exceptions set out in paragraphs 2 and 3 below, be deemed to have been dissolved as from the time when any of the parties thereto became enemies. Such dissolution, however, is without prejudice to the provisions of Article 27 of the present Treaty, nor shall it relieve any party to the contract from the obligation to repay amounts received as advances or as payments on account and in respect of which such party has not rendered performance in return.

2. Notwithstanding the provisions of paragraph 1 above, there shall be excepted from dissolution and, without prejudice to the rights contained in Article 25 of the present Treaty, there shall remain in force such parts of any contract as are severable and did not require for their execution intercourse between any of the parties thereto, having become enemies as defined in part D of this Annex. Where the provisions of any contract are not so severable, the contract shall be deemed to have been dissolved in its entirety. The foregoing shall be subject to the application of domestic laws, orders or regulations made by any of the Allied and Associated Powers having jurisdiction over the contract or over any of the parties thereto and shall be subject to the terms of the contract.

3. Nothing in part A of this Annex shall be deemed to invalidate transactions lawfully carried out in accordance with a contract between enemies if they have been carried out with the authorization of the Government of one of the Allied and Associated Powers.

4. Notwithstanding the foregoing provisions, contracts of insurance and re-insurance shall be subject to separate agreements between the Government of the Allied or Associated Power concerned and the Government of Bulgaria.

B. PERIODS OF PRESCRIPTION

1. All periods of prescription or limitation of right of action or of the right to take conservatory measures in respect of relations affecting persons or property, involving United Nations nationals and Bulgarian nationals who, by reason of the state of war, were unable to take judicial action or to comply with the formalities necessary to safeguard their rights, irrespective of whether these periods commenced before or after the outbreak of war, shall be regarded as having been suspended, for the duration of the war, in Bulgarian territory on the one hand, and on the other hand in the territory of those United Nations which grant to Bulgaria, on a reciprocal basis, the benefit of the provisions of this paragraph. These periods shall begin to run again on the coming into force of the present Treaty. The provisions of this paragraph shall be applicable in regard to the periods fixed for the presentation of interest or dividend coupons or for the presentation for payment of securities drawn for repayment or repayable on any other ground.

2. Where, on account of failure to perform any act or to comply with any formality during the war, measures of execution have been taken in Bulgarian territory to the prejudice of a national of one of the United Nations, the Bulgarian Government shall restore the rights which have been detrimentally affected. If such restoration is impossible or would be inequitable, the Bulgarian Government shall provide that the United Nations national shall be afforded such relief as may be just and equitable in the circumstances.

C. NEGOTIABLE INSTRUMENTS

1. As between enemies, no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

2. Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or endorser, or within which the instrument should have been protested, has

elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment, or protest may be made.

3. If a person has, either before or during the war, incurred obligations under a negotiable instrument in consequence of an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of these obligations, notwithstanding the outbreak of war.

D. SPECIAL PROVISIONS

1. For the purposes of this Annex, natural or juridical persons shall be regarded as enemies from the date when trading between them shall have become unlawful under laws, orders or regulations to which such persons or the contracts were subject.

2. Having regard to the legal system of the United States of America, the provisions of this Annex shall not apply as between the United States of America and Bulgaria.

ANNEX VI

Judgments

The Bulgarian Government shall take the necessary measures to enable nationals of any of the United Nations at any time within one year from the coming into force of the present Treaty to submit to the appropriate Bulgarian authorities for review any judgment given by a Bulgarian court between April 24, 1941, and the coming into force of the present Treaty in any proceeding in which the United Nations national was unable to make adequate presentation of his case either as plaintiff or defendant. The Bulgarian Government shall provide that, where the United Nations national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances. The term "United Nations nationals" includes corporations or associations organised or constituted under the laws of any of the United Nations.

In faith whereof the undersigned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in the city of Paris in the Russian, English, French and Bulgarian languages this tenth day of February, One Thousand Nine Hundred Forty-Seven.

For the Union of Soviet Socialist Republics:		For Greece:	
V. MOLOTOV	[SEAL]	LEON V. MELAS	[SEAL]
A. BOGOMOLOV	[SEAL]	R. RAPHAEL	[SEAL]
For the United Kingdom of Great Britain and Northern Ireland:		For India:	
ERNEST BEVIN		S. E. RENGANADHAN	[SEAL]
DUFF COOPER	[SEAL]	For New Zealand:	
For the United States of America:		W. J. JORDAN	[SEAL]
JAMES F. BYRNES	[SEAL]	For the Ukrainian Soviet Socialist Republic:	
JEFFERSON CAFFERY	[SEAL]	I. SENIN	[SEAL]
For Australia:		For the Union of South Africa:	
JOHN A. BEASLEY	[SEAL]	W. G. PARMINTER	[SEAL]
For the Byelorussian Soviet Socialist Republic:		For the People's Federal Republic of Yugoslavia:	
K. KISSELEV	[SEAL]	STANOJE S. SIMIĆ	[SEAL]
For Czechoslovakia:		RODOLJUB ČOLAKOVIĆ	[SEAL]
JAN MASARYK	[SEAL]	DR. PAVLE GREGORIĆ	[SEAL]
V. CLEMENTIS	[SEAL]	For Bulgaria:	
		K. GEORGIEV	[SEAL]
		A. OBBOV	[SEAL]
		T. KOSTOV	[SEAL]

TREATY OF PEACE WITH HUNGARY

Treaty, with annexes, signed at Paris February 10, 1947

Senate advice and consent to ratification June 5, 1947

Ratified by the President of the United States June 14, 1947

Ratification of the United States deposited at Moscow September 15, 1947

Entered into force September 15, 1947

*Proclaimed by the President of the United States September 15, 1947*¹

61 Stat. 2065; Treaties and Other
International Acts Series 1651

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Australia, the Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, India, New Zealand, the Ukrainian Soviet Socialist Republic, the Union of South Africa, and the People's Federal Republic of Yugoslavia, as the States which are at war with Hungary and actively waged war against the European enemy States with substantial military forces, hereinafter referred to as "the Allied and Associated Powers", of the one part,
and Hungary, of the other part;

Whereas Hungary, having become an ally of Hitlerite Germany and having participated on her side in the war against the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and other United Nations, bears her share of responsibility for this war;

Whereas, however, Hungary on December 28, 1944, broke off relations with Germany, declared war on Germany and on January 20, 1945, concluded an Armistice² with the Governments of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, acting on behalf of all the United Nations which were at war with Hungary; and

Whereas the Allied and Associated Powers and Hungary are desirous of concluding a treaty of peace, which, conforming to the principles of jus-

¹ In his proclamation the President also said, ". . . I . . . do hereby further proclaim that the state of war between the United States of America and Hungary terminated on September 15, 1947."

² EAS 456, *ante*, vol. 3, p. 995.

tice, will settle questions still outstanding as a result of the events hereinbefore recited and form the basis of friendly relations between them, thereby enabling the Allied and Associated Powers to support Hungary's application to become a member of the United Nations and also to adhere to any Convention concluded under the auspices of the United Nations;

Have therefore agreed to declare the cessation of the state of war and for this purpose to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

PART I

FRONTIERS OF HUNGARY

ARTICLE 1

1. The frontiers of Hungary with Austria and with Yugoslavia shall remain those which existed on January 1, 1938.

2. The decisions of the Vienna Award of August 30, 1940, are declared null and void. The frontier between Hungary and Roumania as it existed on January 1, 1938, is hereby restored.

3. The frontier between Hungary and the Union of Soviet Socialist Republics, from the point common to the frontier of those two States and Roumania to the point common to the frontier of those two States and Czechoslovakia, is fixed along the former frontier between Hungary and Czechoslovakia as it existed on January 1, 1938.

4. (a) The decisions of the Vienna Award of November 2, 1938, are declared null and void.

(b) The frontier between Hungary and Czechoslovakia from the point common to the frontier of those two States and Austria to the point common to those two States and the Union of Soviet Socialist Republics is hereby restored as it existed on January 1, 1938, with the exception of the change resulting from the stipulations of the following sub-paragraph.

(c) Hungary shall cede to Czechoslovakia the villages of Horvathjarfalu, Oroszvar and Dunacsun, together with their cadastral territory as indicated on Map No. IA³ annexed to the present Treaty. Accordingly, the Czechoslovak frontier on this sector shall be fixed as follows: from the point common to the frontiers of Austria, Hungary and Czechoslovakia, as they existed on January 1, 1938, the present Hungarian-Austrian frontier shall become the frontier between Austria and Czechoslovakia as far as a point roughly 500 meters south of hill 134 (3.5 kilometers northwest of the church of Rajka), this point now becoming common to the frontiers of the

³ This is one of two large-scale maps which comprise annex I. The copies of the maps as received with the certified copy of the treaty are deposited with the treaty in the archives of the Department of State, where they are available for reference.

three named States; thence the new frontier between Czechoslovakia and Hungary shall go eastwards along the northern cadastral boundary of the village of Rajka to the right bank of the Danube at a point approximately 2 kilometers north of hill 128 (3.5 kilometers east of the church of Rajka), where the new frontier will, in the principal channel of navigation of the Danube, join the Czechoslovak-Hungarian frontier as it existed on January 1, 1938; the dam and spillway within the village limits of Rajka will remain on Hungarian territory.

(*d*) The exact line of the new frontier between Hungary and Czechoslovakia laid down in the preceding sub-paragraph shall be determined on the spot by a boundary Commission composed of the representatives of the two Governments concerned. The Commission shall complete its work within two months from the coming into force of the present Treaty.

(*e*) In the event of a bilateral agreement not being concluded between Hungary and Czechoslovakia concerning the transfer to Hungary of the population of the ceded area, Czechoslovakia guarantees them full human and civic rights. All the guarantees and prerogatives stipulated in the Czechoslovak-Hungarian Agreement of February 27, 1946, on the exchange of populations will be applicable to those who voluntarily leave the area ceded to Czechoslovakia.

5. The frontiers described above are shown on Maps I and IA in Annex I of the present Treaty.

PART II

POLITICAL CLAUSES

Section I

ARTICLE 2

1. Hungary shall take all measures necessary to secure to all persons under Hungarian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

2. Hungary further undertakes that the laws in force in Hungary shall not, either in their content or in their application, discriminate or entail any discrimination between persons of Hungarian nationality on the ground of their race, sex, language or religion, whether in reference to their persons, property, business, professional or financial interests, status, political or civil rights or any other matter.

ARTICLE 3

Hungary, which in accordance with the Armistice Agreement has taken measures to set free, irrespective of citizenship and nationality, all persons

held in confinement on account of their activities in favour of, or because of their sympathies with, the United Nations or because of their racial origin, and to repeal discriminatory legislation and restrictions imposed thereunder, shall complete these measures and shall in future not take any measures or enact any laws which would be incompatible with the purposes set forth in this Article.

ARTICLE 4

Hungary, which in accordance with the Armistice Agreement has taken measures for dissolving all organisations of a Fascist type on Hungarian territory, whether political, military or para-military, as well as other organisations conducting propaganda, including revisionist propaganda, hostile to the United Nations, shall not permit in future the existence and activities of organisations of that nature which have as their aim denial to the people of their democratic rights.

ARTICLE 5

1. Hungary shall enter into negotiations with Czechoslovakia in order to solve the problem of those inhabitants of Magyar ethnic origin, residing in Czechoslovakia, who will not be settled in Hungary in accordance with the provisions of the Agreement of February 27, 1946, on exchange of populations.

2. Should no agreement be reached within a period of six months from the coming into force of the present Treaty, Czechoslovakia shall have the right to bring this question before the Council of Foreign Ministers and to request the assistance of the Council in effecting a final solution.

ARTICLE 6

1. Hungary shall take all necessary steps to ensure the apprehension and surrender for trial of:

(a) Persons accused of having committed, ordered or abetted war crimes and crimes against peace or humanity;

(b) Nationals of any Allied or Associated Power accused of having violated their national law by treason or collaboration with the enemy during the war.

2. At the request of the United Nations Government concerned, Hungary shall likewise make available as witnesses persons within its jurisdiction, whose evidence is required for the trial of the persons referred to in paragraph 1 of this Article.

3. Any disagreement concerning the application of the provisions of paragraphs 1 and 2 of this Article shall be referred by any of the Governments concerned to the Heads of the Diplomatic Missions in Budapest of the Soviet Union, the United Kingdom and the United States of America, who will reach agreement with regard to the difficulty.

Section II

ARTICLE 7

Hungary undertakes to recognise the full force of the Treaties of Peace with Italy, Roumania, Bulgaria and Finland and other agreements or arrangements which have been or will be reached by the Allied and Associated Powers in respect of Austria, Germany and Japan for the restoration of peace.

ARTICLE 8

The state of war between Hungary and Roumania shall terminate upon the coming into force both of the present Treaty of Peace and the Treaty of Peace between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Australia; the Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, India, New Zealand, the Ukrainian Soviet Socialist Republic and the Union of South Africa, of the one part, and Roumania of the other part.⁴

ARTICLE 9

Hungary undertakes to accept any arrangements which have been or may be agreed for the liquidation of the League of Nations and the Permanent Court of International Justice.

ARTICLE 10

1. Each Allied or Associated Power will notify Hungary, within a period of six months from the coming into force of the present Treaty, which of its pre-war bilateral treaties with Hungary it desires to keep in force or revive.⁵ Any provisions not in conformity with the present Treaty shall, however, be deleted from the above-mentioned treaties.

2. All such treaties so notified shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.⁶

3. All such treaties not so notified shall be regarded as abrogated.

ARTICLE 11

1. Hungary shall hand over to Yugoslavia and to Czechoslovakia, within a period of not more than eighteen months from the coming into force of the present Treaty, objects of the following categories constituting the cultural heritage of Yugoslavia and Czechoslovakia which originated in those territories and which, after 1848, came into the possession of the Hungarian State or of Hungarian public institutions as a consequence of Hungarian domination over those territories prior to 1919:

⁴ TIAS 1649, *ante*, p. 403.

⁵ For text of note from the American Minister at Budapest to the Minister of Foreign Affairs, dated Mar. 9, 1948, giving such notification, see *Department of State Bulletin*, Mar. 21, 1948, p. 382.

⁶ TS 993, *ante*, vol. 3, p. 1176.

(a) Historical archives which came into being as integral wholes in Yugoslav or Czechoslovak territories;

(b) Libraries, historical documents, antiquities and other cultural objects which belonged to the institutions on Yugoslav or Czechoslovak territories or to historical personalities of the Yugoslav and Czechoslovak peoples;

(c) Original artistic, literary and scientific objects which are the work of Yugoslav or Czechoslovak artists, writers and scientists.

2. Objects acquired by purchase, gift or legacy and original works of Hungarians are excluded from the provisions of paragraph 1.

3. Hungary shall also hand over to Yugoslavia the archives of the Illyrian Deputation, the Illyrian Commission and Illyrian Chancellery, which relate to the 18th century.

4. The Hungarian Government shall, on the coming into force of the present Treaty, give the authorised representatives of Yugoslavia and Czechoslovakia all necessary assistance in finding these objects and making them available for examination. Thereafter, but not later than one year from the coming into force of the present Treaty, the Yugoslav and Czechoslovak Governments shall hand the Hungarian Government a list of the objects claimed under this Article. Should the Hungarian Government, within three months of the receipt of the list, raise objection to the inclusion therein of any objects, and should no agreement be reached between the Governments concerned within a further month, the dispute shall be settled in accordance with the provisions of Article 40 of the present Treaty.

PART III

MILITARY AND AIR CLAUSES

Section I

ARTICLE 12

The maintenance of land and air armaments and fortifications shall be closely restricted to meeting tasks of an internal character and local defence of frontiers. In accordance with the foregoing, Hungary is authorized to have armed forces consisting of not more than:

(a) A land army, including frontier troops, anti-aircraft and river flotilla personnel, with a total strength of 65,000 personnel;

(b) An air force of 90 aircraft, including reserves, of which not more than 70 may be combat types of aircraft, with a total personnel strength of 5,000. Hungary shall not possess or acquire any aircraft designed primarily as bombers with internal bomb-carrying facilities.

These strengths shall in each case include combat, service and overhead personnel.

ARTICLE 13

The personnel of the Hungarian Army and Air Force in excess of the respective strengths permitted under Article 12 shall be disbanded within six months from the coming into force of the present Treaty.

ARTICLE 14

Personnel not included in the Hungarian Army or Air Force shall not receive any form of military training or military air training as defined in Annex II.

ARTICLE 15

Hungary shall not possess, construct or experiment with any atomic weapon, any self-propelled or guided missiles or apparatus connected with their discharge (other than torpedoes and torpedo launching gear comprising the normal armament of naval vessels permitted by the present Treaty), sea mines or torpedoes of non-contact types actuated by influence mechanisms, torpedoes capable of being manned, submarines or other submersible craft, motor torpedo boats, or specialised types of assault craft.

ARTICLE 16

Hungary shall not retain, produce or otherwise acquire, or maintain facilities for the manufacture of, war material in excess of that required for the maintenance of the armed forces permitted under Article 12 of the present Treaty.

ARTICLE 17

1. Excess war material of Allied origin shall be placed at the disposal of the Allied or Associated Power concerned according to the instructions given by that Power. Excess Hungarian war material shall be placed at the disposal of the Governments of the Soviet Union, the United Kingdom and the United States of America. Hungary shall renounce all rights to this material.

2. War material of German origin or design in excess of that required for the armed forces permitted under the present Treaty shall be placed at the disposal of the Three Governments. Hungary shall not acquire or manufacture any war material of German origin or design, or employ or train any technicians, including military and civil aviation personnel, who are or have been nationals of Germany.

3. Excess war material mentioned in paragraphs 1 and 2 of this Article shall be handed over or destroyed within one year from the coming into force of the present Treaty.

4. A definition and list of war material for the purposes of the present Treaty are contained in Annex III.

ARTICLE 18

Hungary shall co-operate fully with the Allied and Associated Powers with a view to ensuring that Germany may not be able to take steps outside German territory towards rearmament.

ARTICLE 19

Hungary shall not acquire or manufacture civil aircraft which are of German or Japanese design or which embody major assemblies of German or Japanese manufacture or design.

ARTICLE 20

Each of the military and air clauses of the present Treaty shall remain in force until modified in whole or in part by agreement between the Allied and Associated Powers and Hungary or, after Hungary becomes a member of the United Nations, by agreement between the Security Council and Hungary.

Section II

ARTICLE 21

1. Hungarian prisoners of war shall be repatriated as soon as possible, in accordance with arrangements agreed upon by the individual Powers detaining them and Hungary.

2. All costs, including maintenance costs, incurred in moving Hungarian prisoners of war from their respective assembly points, as chosen by the Government of the Allied or Associated Power concerned, to the point of their entry into Hungarian territory, shall be borne by the Hungarian Government.

PART IV

WITHDRAWAL OF ALLIED FORCES

ARTICLE 22

1. Upon the coming into force of the present Treaty, all Allied forces shall, within a period of 90 days, be withdrawn from Hungary, subject to the right of the Soviet Union to keep on Hungarian territory such armed forces as it may need for the maintenance of the lines of communication of the Soviet Army with the Soviet zone of occupation in Austria.

2. All unused Hungarian currency and all Hungarian goods in possession of the Allied forces in Hungary, acquired pursuant to Article 11 of the Armistice Agreement, shall be returned to the Hungarian Government within the same period of 90 days.

3. Hungary shall, however, make available such maintenance and facilities as may specifically be required for the maintenance of the lines of communication with the Soviet zone of occupation in Austria, for which due compensation will be made to the Hungarian Government.

PART V

REPARATION AND RESTITUTION

ARTICLE 23

1. Losses caused to the Soviet Union, Czechoslovakia and Yugoslavia by military operations and by the occupation by Hungary of the territories of these States shall 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 also declared war on Germany, the Parties agree that compensation for the above losses will be made by Hungary not in full but only in part, namely in the amount of \$300,000,000 payable over eight years from January 20, 1945, in commodities (machine equipment, river craft, grain and other commodities), the sum to be paid to the Soviet Union to amount to \$200,000,000, and the sum to be paid to Czechoslovakia and Yugoslavia to amount to \$100,000,000.

2. The basis of calculation for the settlement provided in this Article will be the United States dollar at its gold parity on the day of the signing of the Armistice Agreement, i.e. \$35 for one ounce of gold.

ARTICLE 24

1. Hungary accepts the principles of the United Nations Declaration of January 5, 1943,¹ and shall return, in the shortest possible time, property removed from the territory of any of the United Nations.

2. The obligation to make restitution applies to all identifiable property at present in Hungary which was removed by force or duress by any of the Axis Powers from the territory of any of the United Nations, irrespective of any subsequent transactions by which the present holder of any such property has secured possession.

3. If, in particular cases, it is impossible for Hungary to make restitution of objects of artistic, historic or archæological value, belonging to the cultural heritage of the United Nation from whose territory such objects were removed by force or duress by Hungarian forces, authorities or nationals, Hungary shall transfer to the United Nation concerned objects of the same kind as, and of approximately equivalent value to, the objects removed, in so far as such objects are obtainable in Hungary.

¹ *Ante*, vol. 3, p. 754.

4. The Hungarian Government shall return the property referred to in this Article in good order and, in this connection, shall bear all costs in Hungary relating to labour, materials and transport.

5. The Hungarian Government shall co-operate with the United Nations in, and shall provide at its own expense all necessary facilities for, the search for and restitution of property liable to restitution under this Article.

6. The Hungarian Government shall take the necessary measures to effect the return of property covered by this Article held in any third country by persons subject to Hungarian jurisdiction.

7. Claims for the restitution of property shall be presented to the Hungarian Government by the Government of the country from whose territory the property was removed, it being understood that rolling stock shall be regarded as having been removed from the territory to which it originally belonged. The period during which such claims may be presented shall be six months from the coming into force of the present Treaty.

8. The burden of identifying the property and of proving ownership shall rest on the claimant Government, and the burden of proving that the property was not removed by force or duress shall rest on the Hungarian Government.

ARTICLE 25

The annulment of the Vienna Award of November 2, 1938, as provided in Article 1, paragraph 4, of the present Treaty, shall entail the annulment of the agreements, as well as the legal consequences ensuing therefrom, relating to matters of finance and public and private insurance, concluded between or on behalf of the two States concerned or between Czechoslovak and Hungarian juridical persons on the basis of the Vienna Award and in respect of the material handed over in accordance with the Protocol of May 22, 1940. This annulment shall not apply in any way to relations between physical persons. The details of the above-mentioned settlement shall be arranged by bilateral agreements between the Governments concerned, within a period of six months from the coming into force of the present Treaty.

PART VI

ECONOMIC CLAUSES

ARTICLE 26

1. In so far as Hungary has not already done so, Hungary shall restore all legal rights and interests in Hungary of the United Nations and their nationals as they existed on September 1, 1939, and shall return all property in Hungary of the United Nations and their nationals as it now exists.

2. The Hungarian Government undertakes that all property, rights and interests passing under this Article shall be restored free of all encumbrances

and charges of any kind to which they may have become subject as a result of the war and without the imposition of any charges by the Hungarian Government in connection with their return. The Hungarian Government shall nullify all measures, including seizures, sequestration or control, taken by it against United Nations property between September 1, 1939, and the coming into force of the present Treaty. In cases where the property has not been returned within six months from the coming into force of the present Treaty, applications shall be made to the Hungarian authorities not later than twelve months from the coming into force of the Treaty, except in cases in which the claimant is able to show that he could not file his application within this period.

3. The Hungarian Government shall invalidate transfers involving property, rights and interests of any description belonging to United Nations nationals, where such transfers resulted from force or duress exerted by Axis Governments or their agencies during the war.

In the case of Czechoslovak nationals, this paragraph shall also include transfers after November 2, 1938, which resulted from force or duress or from measures taken under discriminatory internal legislation by the Hungarian Government or its agencies in Czechoslovak territory annexed by Hungary.

4. (a) The Hungarian Government shall be responsible for the restoration to complete good order of the property returned to United Nations nationals under paragraph 1 of this Article. In cases where property cannot be returned or where, as a result of the war, a United Nations national has suffered a loss by reason of injury or damage to property in Hungary, he shall receive from the Hungarian Government compensation in Hungarian currency to the extent of two-thirds of the sum necessary, at the date of payment, to purchase similar property or to make good the loss suffered. In no event shall United Nations nationals receive less favourable treatment with respect to compensation than that accorded to Hungarian nationals.

(b) United Nations nationals who hold, directly or indirectly, ownership interests in corporations or associations which are not United Nations nationals within the meaning of paragraph 9 (a) of this Article, but which have suffered a loss by reason of injury or damage to property in Hungary, shall receive compensation in accordance with sub-paragraph (a) above. This compensation shall be calculated on the basis of the total loss or damage suffered by the corporation or association and shall bear the same proportion to such loss or damage as the beneficial interests of such nationals in the corporation or association bear to the total capital thereof.

(c) Compensation shall be paid free of any levies, taxes or other charges. It shall be freely usable in Hungary but shall be subject to the foreign

exchange control regulations which may be in force in Hungary from time to time.

(*d*) The Hungarian Government shall accord to United Nations nationals the same treatment in the allocation of materials for the repair or rehabilitation of their property in Hungary and in the allocation of foreign exchange for the importation of such materials as applies to Hungarian nationals.

(*e*) The Hungarian Government shall grant United Nations nationals an indemnity in Hungarian currency at the same rate as provided in sub-paragraph (*a*) above to compensate them for the loss or damage due to special measures applied to their property during the war, and which were not applicable to Hungarian property. This sub-paragraph does not apply to a loss of profit.

5. The provisions of paragraph 4 of this Article shall apply to Hungary in so far as the action which may give rise to a claim for damage to property in Northern Transylvania belonging to the United Nations or their nationals took place during the period when this territory was subject to Hungarian authority.

6. All reasonable expenses incurred in Hungary in establishing claims, including the assessment of loss or damage, shall be borne by the Hungarian Government.

7. United Nations nationals and their property shall be exempted from any exceptional taxes, levies or imposts imposed on their capital assets in Hungary by the Hungarian Government or any Hungarian authority between the date of the Armistice and the coming into force of the present Treaty for the specific purpose of meeting charges arising out of the war or of meeting the costs of occupying forces or of reparation payable to any of the United Nations. Any sums which have been so paid shall be refunded.

8. The owner of the property concerned and the Hungarian Government may agree upon arrangements in lieu of the provisions of this Article.

9. As used in this Article:

(*a*) "United Nations nationals" means individuals who are nationals of any of the United Nations, or corporations or associations organised under the laws of any of the United Nations, at the coming into force of the present Treaty, provided that the said individuals, corporations or associations also had this status at the date of the Armistice with Hungary.

The term "United Nations nationals" also includes all individuals, corporations or associations which, under the laws in force in Hungary during the war, have been treated as enemy;

(*b*) "Owner" means the United Nation, or the United Nations national as defined in sub-paragraph (*a*) above, entitled to the property in question, and includes a successor of the owner, provided that the successor is also a United Nation, or a United Nations national as defined in sub-paragraph

(a). If the successor has purchased the property in its damaged state, the transferor shall retain his rights to compensation under this Article, without prejudice to obligations between the transferor and the purchaser under domestic law;

(c) "Property" means all movable or immovable property, whether tangible or intangible, including industrial, literary and artistic property, as well as all rights or interests of any kind in property.

10. The Hungarian Government recognizes that the Brioni Agreement of August 10, 1942, is null and void. It undertakes to participate with the other signatories of the Rome Agreement of May [March] 29, 1923, in any negotiations having the purpose of introducing into its provisions the modifications necessary to ensure the equitable settlement of the annuities which it provides.

ARTICLE 27

1. Hungary undertakes that in all cases where the property, legal rights or interests in Hungary of persons under Hungarian jurisdiction have, since September 1, 1939, been the subject of measures of sequestration, confiscation or control on account of the racial origin or religion of such persons, the said property, legal rights and interests shall be restored together with their accessories or, if restoration is impossible, that fair compensation shall be made therefor.

2. All property, rights and interests in Hungary of persons, organisations or communities which, individually or as members of groups, were the object of racial, religious or other Fascist measures of persecution, and remaining heirless or unclaimed for six months after the coming into force of the present Treaty, shall be transferred by the Hungarian Government to organisations in Hungary representative of such persons, organisations or communities. The property transferred shall be used by such organisations for purposes of relief and rehabilitation of surviving members of such groups, organisations and communities in Hungary. Such transfer shall be effected within twelve months from the coming into force of the Treaty, and shall include property, rights and interests required to be restored under paragraph 1 of this Article.

ARTICLE 28

Hungary recognizes that the Soviet Union is entitled to all German assets in Hungary transferred to the Soviet Union by the Control Council for Germany and undertakes to take all necessary measures to facilitate such transfers.

ARTICLE 29

1. Each of the Allied and Associated Powers shall have the right to seize, retain, liquidate or take any other action with respect to all property, rights and interests which at the coming into force of the present Treaty are within

its territory and belong to Hungary or to Hungarian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Hungary or Hungarian nationals, including debts, other than claims fully satisfied under other Articles of the present Treaty. All Hungarian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned.

2. The liquidation and disposition of Hungarian property shall be carried out in accordance with the law of the Allied or Associated Power concerned. The Hungarian owner shall have no rights with respect to such property except those which may be given him by that law.

3. The Hungarian Government undertakes to compensate Hungarian nationals whose property is taken under this Article and not returned to them.

4. No obligation is created by this Article on any Allied or Associated Power to return industrial property to the Hungarian Government or Hungarian nationals, or to include such property in determining the amounts which may be retained under paragraph 1 of this Article. The Government of each of the Allied and Associated Powers shall have the right to impose such limitations, conditions and restrictions on rights or interests with respect to industrial property in the territory of that Allied or Associated Power, acquired prior to the coming into force of the present Treaty by the Government or nationals of Hungary, as may be deemed by the Government of the Allied or Associated Power to be necessary in the national interest.

5. The property covered by paragraph 1 of this Article shall be deemed to include Hungarian property which has been subject to control by reason of a state of war existing between Hungary and the Allied or Associated Power having jurisdiction over the property, but shall not include:

(a) Property of the Hungarian Government used for consular or diplomatic purposes;

(b) Property belonging to religious bodies or private charitable institutions and used for religious or charitable purposes;

(c) Property of natural persons who are Hungarian nationals permitted to reside within the territory of the country in which the property is located or to reside elsewhere in United Nations territory, other than Hungarian property which at any time during the war was subjected to measures not generally applicable to the property of Hungarian nationals resident in the same territory;

(d) Property rights arising since the resumption of trade and financial relations between the Allied and Associated Powers and Hungary, or arising out of transactions between the Government of any Allied or Associated Power and Hungary since January 20, 1945;

(e) Literary and artistic property rights.

ARTICLE 30

1. From the coming into force of the present Treaty, property in Germany of Hungary and of Hungarian nationals shall no longer be treated as enemy property and all restrictions based on such treatment shall be removed.

2. Identifiable property of Hungary and of Hungarian nationals removed by force or duress from Hungarian territory to Germany by German forces or authorities after January 20, 1945, shall be eligible for restitution.

3. The restoration and restitution of Hungarian property in Germany shall be effected in accordance with measures which will be determined by the Powers in occupation of Germany.

4. Without prejudice to these and to any other dispositions in favour of Hungary and Hungarian nationals by the Powers occupying Germany, Hungary waives on its own behalf and on behalf of Hungarian nationals all claims against Germany and German nationals outstanding on May 8, 1945, except those arising out of contracts and other obligations entered into, and rights acquired, before September 1, 1939. This waiver shall be deemed to include debts, all inter-governmental claims in respect of arrangements entered into in the course of the war and all claims for loss or damage arising during the war.

ARTICLE 31

1. The existence of the state of war shall not, in itself, be regarded as affecting the obligation to pay pecuniary debts arising out of obligations and contracts which existed, and rights which were acquired, before the existence of the state of war, which became payable prior to the coming into force of the present Treaty, and which are due by the Government or nationals of Hungary to the Government or nationals of one of the Allied and Associated Powers or are due by the Government or nationals of one of the Allied and Associated Powers to the Government or nationals of Hungary.

2. Except as otherwise expressly provided in the present Treaty, nothing therein shall be construed as impairing debtor-creditor relationships arising out of pre-war contracts concluded either by the Government or nationals of Hungary.

ARTICLE 32

1. Hungary waives all claims of any description against the Allied and Associated Powers on behalf of the Hungarian Government or Hungarian nationals arising directly out of the war or out of actions taken because of the existence of a state of war in Europe after September 1, 1939, whether or not the Allied or Associated Power was at war with Hungary at the time, including the following:

(a) Claims for losses or damages sustained as a consequence of acts of forces or authorities of Allied or Associated Powers;

(b) Claims arising from the presence, operations or actions of forces or authorities of Allied or Associated Powers in Hungarian territory;

(c) Claims with respect to the decrees or orders of Prize Courts of Allied or Associated Powers, Hungary agreeing to accept as valid and binding all decrees and orders of such Prize Courts on or after September 1, 1939, concerning Hungarian ships or Hungarian goods or the payment of costs;

(d) Claims arising out of the exercise or purported exercise of belligerent rights.

2. The provisions of this Article shall bar, completely and finally, all claims of the nature referred to herein, which will be henceforward extinguished, whoever may be the parties in interest. The Hungarian Government agrees to make equitable compensation in Hungarian currency to persons who furnished supplies or services on requisition to the forces of Allied or Associated Powers in Hungarian territory and in satisfaction of non-combat damage claims against the forces of Allied or Associated Powers arising in Hungarian territory.

3. Hungary likewise waives all claims of the nature covered by paragraph 1 of this Article on behalf of the Hungarian Government or Hungarian nationals against any of the United Nations whose diplomatic relations with Hungary were broken off during the war and which took action in co-operation with the Allied and Associated Powers.

4. The Hungarian Government shall assume full responsibility for all Allied military currency issued in Hungary by the Allied military authorities, including all such currency in circulation at the coming into force of the present Treaty.

5. The waiver of claims by Hungary under paragraph 1 of this Article includes any claims arising out of actions taken by any of the Allied and Associated Powers with respect to Hungarian ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising out of the Conventions on prisoners of war now in force.

ARTICLE 33

1. Pending the conclusion of commercial treaties or agreements between individual United Nations and Hungary, the Hungarian Government shall, during a period of eighteen months from the coming into force of the present Treaty, grant the following treatment to each of the United Nations which, in fact, reciprocally grants similar treatment in like matters to Hungary:

(a) In all that concerns duties and charges on importation or exportation, the internal taxation of imported goods and all regulations pertaining thereto, the United Nations shall be granted unconditional most-favoured-nation treatment;

(b) In all other respects, Hungary shall make no arbitrary discrimination against goods originating in or destined for any territory of any of the United Nations as compared with like goods originating in or destined for territory of any other of the United Nations or of any other foreign country;

(c) United Nations nationals, including juridical persons, shall be granted national and most-favoured-nation treatment in all matters pertaining to commerce, industry, shipping and other forms of business activity within Hungary. These provisions shall not apply to commercial aviation;

(d) Hungary shall grant no exclusive or discriminatory right to any country with regard to the operation of commercial aircraft in international traffic, shall afford all the United Nations equality of opportunity in obtaining international commercial aviation rights in Hungarian territory, including the right to land for refueling and repair, and, with regard to the operation of commercial aircraft in international traffic, shall grant on a reciprocal and non-discriminatory basis to all United Nations the right to fly over Hungarian territory without landing. These provisions shall not affect the interests of the national defence of Hungary.

2. The foregoing undertakings by Hungary shall be understood to be subject to the exceptions customarily included in commercial treaties concluded by Hungary before the war, and the provisions with respect to reciprocity granted by each of the United Nations shall be understood to be subject to the exceptions customarily included in commercial treaties concluded by that State.

ARTICLE 34

Hungary shall facilitate as far as possible railway traffic in transit through its territory at reasonable rates and shall negotiate with neighbouring States all reciprocal agreements necessary for this purpose.

ARTICLE 35

1. Any disputes which may arise in connection with Articles 24, 25 and 26 and Annexes IV, V and VI of the present Treaty shall be referred to a Conciliation Commission composed of an equal number of representatives of the United Nations Government concerned and of the Hungarian Government. If agreement has not been reached within three months of the dispute having been referred to the Conciliation Commission, either Government may require the addition of a third member to the Commission, and failing agreement between the two Governments on the selection of this member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission and shall be accepted by the parties as definitive and binding.

ARTICLE 36

Articles 24, 26, 33 and Annex VI of the present Treaty shall apply to the Allied and Associated Powers and France and to those of the United Nations whose diplomatic relations with Hungary have been broken off during the war.

ARTICLE 37

The provisions of Annexes IV, V and VI shall, as in the case of the other Annexes, have force and effect as integral parts of the present Treaty.

PART VII

CLAUSE RELATING TO THE DANUBE

ARTICLE 38

Navigation on the Danube shall be free and open for the nationals, vessels of commerce, and goods of all States, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping. The foregoing shall not apply to traffic between ports of the same State.

PART VIII

FINAL CLAUSES

ARTICLE 39

1. For a period not to exceed eighteen months from the coming into force of the present Treaty, the Heads of the Diplomatic Missions in Budapest of the Soviet Union, the United Kingdom and the United States of America, acting in concert, will represent the Allied and Associated Powers in dealing with the Hungarian Government in all matters concerning the execution and interpretation of the present Treaty.

2. The Three Heads of Mission will give the Hungarian Government such guidance, technical advice and clarification as may be necessary to ensure the rapid and efficient execution of the present Treaty both in letter and in spirit.

3. The Hungarian Government shall afford the said Three Heads of Mission all necessary information and any assistance which they may require in the fulfilment of the tasks devolving on them under the present Treaty.

ARTICLE 40

1. Except where another procedure is specifically provided under any Article of the present Treaty, any dispute concerning the interpretation or execution of the Treaty, which is not settled by direct diplomatic negotiations, shall be referred to the Three Heads of Mission acting under Article 39, except that in this case the Heads of Mission will not be restricted by

the time limit provided in that Article. Any such dispute not resolved by them within a period of two months shall, unless the parties to the dispute mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment.

2. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 41

1. Any member of the United Nations, not a signatory to the present Treaty, which is at war with Hungary, may accede to the Treaty and upon accession shall be deemed to be an Associated Power for the purposes of the Treaty.

2. Instruments of accession shall be deposited with the Government of the Union of Soviet Socialist Republics and shall take effect upon deposit.

ARTICLE 42

The present Treaty, of which the Russian and English texts are authentic, shall be ratified by the Allied and Associated Powers. It shall also be ratified by Hungary. It shall come into force immediately upon the deposit of ratifications by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The instruments of ratification shall, in the shortest time possible, be deposited with the Government of the Union of Soviet Socialist Republics.

With respect to each Allied or Associated Power whose instrument of ratification is thereafter deposited, the Treaty shall come into force upon the date of deposit. The present Treaty shall be deposited in the archives of the Government of the Union of Soviet Socialist Republics, which shall furnish certified copies to each of the signatory States.

LIST OF ANNEXES

- I. Maps of Hungarian Frontiers⁸
- II. Definition of Military and Military Air Training
- III. Definition and list of war material
- IV. Special provisions relating to certain kinds of property:
 - A. Industrial, Literary and Artistic Property
 - B. Insurance
- V. Contracts, Prescription and Negotiable Instruments
- VI. Judgments

⁸ See footnote 3, p. 454.

ANNEX I

(See Article 1)

*Maps*⁹

- I. Hungarian Frontiers
- IA. Rectification of the Hungarian-Czechoslovak Frontier

ANNEX II

(See Article 14)

Definition of Military and Military Air Training

1. Military training is defined as: the study of and practice in the use of war material specially designed or adapted for army purposes, and training devices relative thereto; the study and carrying out of all drill or movements which teach or practice evolutions performed by fighting forces in battle; and the organised study of tactics, strategy and staff work.

2. Military air training is defined as: the study of and practice in the use of war material specially designed or adapted for air force purposes, and training devices relative thereto; the study and practice of all specialised evolutions, including formation flying, performed by aircraft in the accomplishment of an air force mission; and the organised study of air tactics, strategy and staff work.

ANNEX III

(See Article 17)

Definition and List of War Material

The term "war material" as used in the present Treaty shall include all arms, ammunition and implements specially designed or adapted for use in war as listed below.

The Allied and Associated Powers reserve the right to amend the list periodically by modification or addition in the light of subsequent scientific development.

Category I

1. Military rifles, carbines, revolvers and pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use.
2. Machine guns, military automatic or autoloading rifles, and machine pistols; barrels for these weapons and other spare parts not readily adaptable for civilian use; machine gun mounts.
3. Guns, howitzers, mortars, cannon special to aircraft; breechless or recoilless guns and flamethrowers; barrels and other spare parts not readily adaptable for civilian use; carriages and mountings for the foregoing.

⁹ See footnote 3, p. 454.

4. Rocket projectors; launching and control mechanisms for self-propelling and guided missiles; mountings for same.

5. Self-propelling and guided missiles, projectiles, rockets, fixed ammunition and cartridges, filled or unfilled, for the arms listed in sub-paragraphs 1–4 above and fuses, tubes or contrivances to explode or operate them. Fuses required for civilian use are not included.

6. Grenades, bombs, torpedoes, mines, depth charges and incendiary materials or charges, filled or unfilled; all means for exploding or operating them. Fuses required for civilian use are not included.

7. Bayonets.

Category II

1. Armoured fighting vehicles; armoured trains, not technically convertible to civilian use.

2. Mechanical and self-propelled carriages for any of the weapons listed in Category I; special type military chassis or bodies other than those enumerated in sub-paragraph 1 above.

3. Armour plate, greater than three inches in thickness, used for protective purposes in warfare.

Category III

1. Aiming and computing devices, including predictors and plotting apparatus, for fire control; direction of fire instruments; gun sights; bomb sights; fuse setters; equipment for the calibration of guns and fire control instruments.

2. Assault bridging, assault boats and storm boats.

3. Deceptive warfare, dazzle and decoy devices.

4. Personal war equipment of a specialised nature not readily adaptable to civilian use.

Category IV

1. Warships of all kinds, including converted vessels and craft designed or intended for their attendance or support, which cannot be technically reconverted to civilian use, as well as weapons, armour, ammunition, aircraft and all other equipment, material, machines and installations not used in peace time on ships other than warships.

2. Landing craft and amphibious vehicles or equipment of any kind; assault boats or devices of any type as well as catapults or other apparatus for launching or throwing aircraft, rockets, propelled weapons or any other missile, instrument or device whether manned or unmanned, guided or uncontrolled.

3. Submersible or semi-submersible ships, craft, weapons, devices or apparatus of any kind, including specially designed harbour defence booms, except as required by salvage, rescue or other civilian uses, as well as all equipment, accessories, spare parts, experimental or training aids, instruments or installations as may be specially designed for the construction, testing, maintenance or housing of the same.

Category V

1. Aircraft, assembled or unassembled, both heavier and lighter than air, which are designed or adapted for aerial combat by the use of machine guns, rocket projectors or artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of their design or construction are prepared for, any of the appliances referred to in sub-paragraph 2 below.
2. Aerial gun mounts and frames, bomb racks, torpedo carriers and bomb release or torpedo release mechanisms; gun turrets and blisters.
3. Equipment specially designed for and used solely by airborne troops.
4. Catapults or launching apparatus for ship-borne, land- or sea-based aircraft; apparatus for launching aircraft weapons.
5. Barrage balloons.

Category VI

Asphyxiating, lethal, toxic or incapacitating substances intended for war purposes, or manufactured in excess of civilian requirements.

Category VII

Propellants, explosives, pyrotechnics or liquefied gases destined for the propulsion, explosion, charging or filling of, or for use in connection with, the war material in the present categories, not capable of civilian use or manufactured in excess of civilian requirements.

Category VIII

Factory and tool equipment specially designed for the production and maintenance of the material enumerated above and not technically convertible to civilian use.

ANNEX IV

Special Provisions Relating to Certain Kinds of Property

A. INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY

1. (a) A period of one year from the coming into force of the present Treaty shall be accorded to the Allied and Associated Powers and their nationals without extension fees or other penalty of any sort in order to enable them to accomplish all necessary acts for the obtaining or preserving in Hungary of rights in industrial, literary and artistic property which were not capable of accomplishment owing to the existence of a state of war.

(b) Allied and Associated Powers or their nationals who had duly applied in the territory of any Allied or Associated Power for a patent or registration of a utility model not earlier than twelve months before the outbreak of the war with Hungary or during the war, or for the registration of an industrial design or model or trade mark not earlier than six months before the outbreak of the war with Hungary or during the war, shall be

entitled within twelve months after the coming into force of the present Treaty to apply for corresponding rights in Hungary, with a right of priority based upon the previous filing of the application in the territory of that Allied or Associated Power.

(c) Each of the Allied and Associated Powers and its nationals shall be accorded a period of one year from the coming into force of the present Treaty during which they may institute proceedings in Hungary against those natural or juridical persons who are alleged illegally to have infringed their rights in industrial, literary or artistic property between the date of the outbreak of the war and the coming into force of the Treaty.

2. A period from the outbreak of the war until a date eighteen months after the coming into force of the present Treaty shall be excluded in determining the time within which a patent must be worked or a design or trade mark used.

3. The period from the outbreak of the war until the coming into force of the present Treaty shall be excluded from the normal term of rights in industrial, literary and artistic property which were in force in Hungary at the outbreak of the war or which are recognized or established under part A of this Annex and belong to any of the Allied and Associated Powers or their nationals. Consequently, the normal duration of such rights shall be deemed to be automatically extended in Hungary for a further term corresponding to the period so excluded.

4. The foregoing provisions concerning the rights in Hungary of the Allied and Associated Powers and their nationals shall apply equally to the rights in the territories of the Allied and Associated Powers of Hungary and its nationals. Nothing, however, in these provisions shall entitle Hungary or its nationals to more favourable treatment in the territory of any of the Allied and Associated Powers than is accorded by such Power in like cases to other United Nations or their nationals, nor shall Hungary be thereby required to accord to any of the Allied and Associated Powers or its nationals more favourable treatment than Hungary or its nationals receive in the territory of such Power in regard to the matters dealt with in the foregoing provisions.

5. Third parties in the territories of any of the Allied and Associated Powers or Hungary who, before the coming into force of the present Treaty, had bona fide acquired industrial, literary or artistic property rights conflicting with rights restored under part A of this Annex or with rights obtained with the priority provided thereunder, or had bona fide manufactured, published, reproduced, used or sold the subject matter of such rights, shall be permitted, without any liability for infringement, to continue to exercise such rights and to continue or to resume such manufacture, publication, reproduction, use or sale which had been bona fide acquired or commenced. In Hungary, such permission shall take the form of a non-exclusive license

granted on terms and conditions to be mutually agreed by the parties thereto or, in default of agreement, to be fixed by the Conciliation Commission established under Article 35 of the present Treaty. In the territories of each of the Allied and Associated Powers, however, bona fide third parties shall receive such protection as is accorded under similar circumstances to bona fide third parties whose rights are in conflict with those of the nationals of other Allied and Associated Powers.

6. Nothing in part A of this Annex shall be construed to entitle Hungary or its nationals to any patent or utility model rights in the territory of any of the Allied and Associated Powers with respect to inventions, relating to any article listed by name in Annex III of the present Treaty, made, or upon which applications were filed, by Hungary, or any of its nationals, in Hungary or in the territory of any other of the Axis Powers, or in any territory occupied by the Axis forces, during the time when such territory was under the control of the forces or authorities of the Axis Powers.

7. Hungary shall likewise extend the benefits of the foregoing provisions of this Annex to France, and to other United Nations which are not Allied or Associated Powers, whose diplomatic relations with Hungary have been broken off during the war and which undertake to extend to Hungary the benefits accorded to Hungary under the said provisions.

8. Nothing in part A of this Annex shall be understood to conflict with Articles 26, 29 and 31 of the present Treaty.

B. INSURANCE

1. No obstacles, other than any applicable to insurers generally, shall be placed in the way of the resumption by insurers who are United Nations nationals of their former portfolios of business.

2. Should an insurer, who is a national of any of the United Nations, wish to resume his professional activities in Hungary, and should the value of the guarantee deposits or reserves required to be held as a condition of carrying on business in Hungary be found to have decreased as a result of the loss or depreciation of the securities which constituted such deposits or reserves, the Hungarian Government undertakes to accept, for a period of eighteen months, such securities as still remain as fulfilling any legal requirements in respect of deposits and reserves.

ANNEX V

Contracts, Prescription and Negotiable Instruments

A. CONTRACTS

1. Any contract which required for its execution intercourse between any of the parties thereto having become enemies as defined in part D of this Annex, shall, subject to the exceptions set out in paragraphs 2 and 3 below,

be deemed to have been dissolved as from the time when any of the parties thereto became enemies. Such dissolution, however, is without prejudice to the provisions of Article 31 of the present Treaty, nor shall it relieve any party to the contract from the obligation to repay amounts received as advances or as payments on account and in respect of which such party has not rendered performance in return.

2. Notwithstanding the provisions of paragraph 1 above, there shall be excepted from dissolution and, without prejudice to the rights contained in Article 29 of the present Treaty, there shall remain in force such parts of any contract as are severable and did not require for their execution intercourse between any of the parties thereto, having become enemies as defined in part D of this Annex. Where the provisions of any contract are not so severable, the contract shall be deemed to have been dissolved in its entirety. The foregoing shall be subject to the application of domestic laws, orders or regulations made by any of the Allied and Associated Powers having jurisdiction over the contract or over any of the parties thereto and shall be subject to the terms of the contract.

3. Nothing in part A of this Annex shall be deemed to invalidate transactions lawfully carried out in accordance with a contract between enemies if they have been carried out with the authorization of the Government of one of the Allied and Associated Powers.

4. Notwithstanding the foregoing provisions, contracts of insurance and re-insurance shall be subject to separate agreements between the Government of the Allied or Associated Power concerned and the Government of Hungary.

B. PERIODS OF PRESCRIPTION

1. All periods of prescription or limitation of right of action or of the right to take conservatory measures in respect of relations affecting persons or property, involving United Nations nationals and Hungarian nationals who, by reason of the state of war, were unable to take judicial action or to comply with the formalities necessary to safeguard their rights, irrespective of whether these periods commenced before or after the outbreak of war, shall be regarded as having been suspended, for the duration of the war, in Hungarian territory on the one hand, and on the other hand in the territory of those United Nations which grant to Hungary, on a reciprocal basis, the benefit of the provisions of this paragraph. These periods shall begin to run again on the coming into force of the present Treaty. The provisions of this paragraph shall be applicable in regard to the periods fixed for the presentation of interest or dividend coupons or for the presentation for payment of securities drawn for repayment or repayable on any other ground.

2. Where, on account of failure to perform any act or to comply with any formality during the war, measures of execution have been taken in

Hungarian territory to the prejudice of a national of one of the United Nations, the Hungarian Government shall restore the rights which have been detrimentally affected. If such restoration is impossible or would be inequitable, the Hungarian Government shall provide that the United Nations national shall be afforded such relief as may be just and equitable in the circumstances.

C. NEGOTIABLE INSTRUMENTS

1. As between enemies, no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

2. Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or endorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment, or protest may be made.

3. If a person has, either before or during the war, incurred obligations under a negotiable instrument in consequence of an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of these obligations, notwithstanding the outbreak of war.

D. SPECIAL PROVISIONS

1. For the purposes of this Annex, natural or juridical persons shall be regarded as enemies from the date when trading between them shall have become unlawful under laws, orders or regulations to which such persons or the contracts were subject.

2. Having regard to the legal system of the United States of America, the provisions of this Annex shall not apply as between the United States of America and Hungary.

ANNEX VI

Judgments

The Hungarian Government shall take the necessary measures to enable nationals of any of the United Nations at any time within one year from the coming into force of the present Treaty to submit to the appropriate Hun-

garian authorities for review any judgment given by a Hungarian court between April 10, 1941, and the coming into force of the present Treaty in any proceeding in which the United Nations national was unable to make adequate presentation of his case either as plaintiff or defendant. The Hungarian Government shall provide that, where the United Nations national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances. The term "United Nations nationals" includes corporations or associations organised or constituted under the laws of any of the United Nations.

In faith whereof the undersigned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in the city of Paris in the Russian, English, French and Hungarian languages this tenth day of February, One Thousand Nine Hundred Forty-Seven.

For the Union of Soviet Socialist Republics:		For Czechoslovakia:	
V. MOLOTOV	[SEAL]	JAN MASARYK	[SEAL]
A. BOGOMOLOV	[SEAL]	V. CLEMENTIS	[SEAL]
For the United Kingdom of Great Britain and Northern Ireland:		For India:	
ERNEST BEVIN		S. E. RUNGANADHAN	[SEAL]
DUFF COOPER	[SEAL]	For New Zealand:	
For the United States of America:		W. J. JORDAN	[SEAL]
JAMES F. BYRNES	[SEAL]	For the Ukrainian Soviet Socialist Republic:	
JEFFERSON CAFFERY	[SEAL]	I. SENIN	[SEAL]
For Australia:		For the Union of South Africa:	
JOHN A. BEASLEY	[SEAL]	W. G. PARMINTER	[SEAL]
For the Byelorussian Soviet Socialist Republic:		For the People's Federal Republic of Yugoslavia:	
K. KISSELEV	[SEAL]	STANOJE S. SIMIĆ	[SEAL]
For Canada:		RODOLJUB ČOLAKOVIĆ	[SEAL]
GEORGE P. VANIER	[SEAL]	DR. PAVLE GREGORIĆ	[SEAL]
		For Hungary:	
		JANOS GYONGYOSSI	[SEAL]

REGULATION OF WHALING

Supplementary protocol signed at London March 3, 1947

Senate advice and consent to ratification July 2, 1947

Ratified by the President of the United States July 18, 1947

Ratification of the United States deposited at London August 1, 1947

Entered into force March 3, 1947; for the United States August 1, 1947

Proclaimed by the President of the United States August 18, 1947

*Expired at end of 1947/48 whaling season*¹

61 Stat. 1240; Treaties and Other
International Acts Series 1634

SUPPLEMENTARY PROTOCOL

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, New Zealand, Norway, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics,

Having ratified or acceded to the Protocol signed in London on 26th November, 1945² (hereinafter called "The Protocol"), amending the International Agreement for the Regulation of Whaling signed in London on 8th June, 1937,³ as amended by the Protocols of 24th June, 1938,⁴ and 7th February, 1944;⁵

Considering that it is provided under paragraph (i) of Article VIII of the Protocol that the Protocol shall come into force in its entirety when all the Governments referred to in the preamble of the Protocol shall have deposited their instruments of ratification or given notification of accession;

Considering further that ratifications or accessions have been deposited on behalf of all the Governments referred to in the preamble of the Protocol with the exception of the Governments of Mexico and the Netherlands; and

Desiring that the Protocol should be brought into force in its entirety without awaiting ratification by the Governments of Mexico and the Netherlands;

¹ The whaling season is defined in art. 1 of protocol of Nov. 26, 1945 (TIAS 1597, *ante*, vol. 3, p. 1329), as covering the period from Dec. 8 to Apr. 7, inclusive.

² TIAS 1597, *ante*, vol. 3, p. 1328.

³ TS 933, *ante*, vol. 3, p. 455.

⁴ TS 944, *ante*, vol. 3, p. 519.

⁵ See S. Ex. D, 78th Cong., 2d sess. The United States did not become a party.

Have decided to conclude a Supplementary Protocol for this purpose and have agreed as follows:

ARTICLE I

Notwithstanding the provisions of paragraph (i) of Article VIII of the Protocol, the Protocol shall, on the signature of the present Supplementary Protocol, come into force with respect to Governments signing the present Supplementary Protocol immediately upon signature by them.

ARTICLE II

The present Supplementary 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, duly authorised by their respective Governments, have signed the present Supplementary Protocol, done in London this 3rd day of March 1947 in a single copy, which shall be deposited in the archives of the Government of the United Kingdom and of which certified copies shall be transmitted to all the signatory Governments.

For the Government of the Union of
South Africa:
EUGENE K. SCALLAN

For the Government of the Common-
wealth of Australia:
JOHN A. BEASLEY
Subject to approval

For the Government of Canada:
N. A. ROBERTSON

For the Government of Denmark:
E. REVENTLOW

For the Government of France:
JEAN LE ROY

For the Government of New Zealand:
W. J. JORDAN

For the Government of Norway:
P. PREBENSEN

For the Government of the United
Kingdom:
O. G. SARGENT

For the Government of the United States
of America:
W. J. GALLMAN
Subject to ratification.

For the Government of the Union of
Soviet Socialist Republics:
G. ZARUBIN

UNIVERSAL POSTAL UNION

*Convention, with final protocol and annex, and airmail provisions, with final protocol, signed at Paris July 5, 1947*¹

*Ratified and approved by the Postmaster General of the United States, with a statement, June 1, 1948*²

Approved by the President of the United States June 9, 1948

Entered into force July 1, 1948

Ratification of the United States deposited at Paris July 13, 1948

*Terminated by convention of July 11, 1952*³

62 Stat. 3157; Treaties and Other
International Acts Series 1850

[TRANSLATION]

CONVENTION

TABLE OF THE ARTICLES OF THE UNIVERSAL POSTAL CONVENTION

1. CONVENTION

TITLE I

Universal Postal Union

CHAPTER I

Organization and extent of jurisdiction of the Union

Art.	Art.
1. Constitution and aims of the Union.	8. Colonies. Protectorates, etc.
2. Relations with the United Nations.	9. Application of the Convention to Colonies, Protectorates, etc.
3. New Adhesions. Procedure.	10. Extent of jurisdiction of the Union.
4. Convention and Agreements of the Union.	11. Exceptional Relations.
5. Regulations of Execution.	12. Arbitration.
6. Restricted Unions. Special agreements.	13. Withdrawal from the Union. Termination of participation in the Agreements.
7. Domestic legislation.	

¹ For text of regulations for execution of the convention, see 62 Stat. 3347 or p. 199 of TIAS 1850; for forms (in French) appended to regulations and to airmail provisions, see 62 Stat. 3250 and 3292 or pp. 95 and 137 of TIAS 1850.

² The statement by the Postmaster General reads as follows: "This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8(1°) of the aforementioned Convention signed at Paris on the 5th day of July, 1947, and to Samoa and the Panama Canal Zone."

³ 4 UST 1118; TIAS 2800.

CHAPTER II

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| 15. Ratifications. Entry into force and duration of the Acts of Congresses. | 19. Conferences. |
| 16. Extraordinary Congresses. | 20. Committees. |
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CHAPTER III

Propositions in the interval between meetings

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| 22. Examination of propositions. | 25. Effective date of decisions. |
| 23. Conditions of approval. | |

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| 29. Prohibition against unauthorized charges. | 32. Equivalents. |
| 30. Temporary suspension of services. | 33. Forms. Language. |
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2. FINAL PROTOCOL OF THE CONVENTION

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| II. Equivalents. Maximum and minimum limits. | XII. Special warehousing charges at Aden. |
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| IV. Avoirdupois ounce. | XIV. Protocol left open to the countries not represented. |
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| VII. Registration fee. | XVII. Protocol left open to countries momentarily prevented from adhering to the Convention and to the Agreements. |
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| IX. Exception to freedom of transit for small packets. | |
| X. Special transit charges for the Trans-Siberian and Trans-Andean routes. | |

UNIVERSAL POSTAL CONVENTION

Concluded between Afghanistan, the Union of South Africa, the People's Republic of 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, Austria, Belgium, the Colony of the Belgian Congo, the Soviet Socialist Republic of Byelorussia, Bolivia, Brazil, the People's Republic of Bulgaria, Canada, Chile, China, the Republic of Colombia, Korea, the Republic of Costa Rica, the Republic of Cuba, Denmark, the Dominican Republic, Egypt, the Republic of El Salvador, Ecuador, Spain, the whole of the Spanish Colonies, Ethiopia, Finland, France, Algeria, Indochina, the whole of the other Overseas Territories of the French Republic and Territories Administered As Such, the United Kingdom of Great Britain and Northern Ireland, the whole of the British Overseas Territories, including the Colonies, the Protectorates and the Territories under Mandate or under Trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland, Greece, Guatemala, the Republic of Haiti, the Republic of Honduras, Hungary, India, Iran, Iraq, Ireland, the Republic of Iceland, Italy, Japan, Lebanon, the Republic of Liberia, Luxembourg, 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 Republic 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, Syria, Czechoslovakia, the Hashemite Kingdom of Trans-Jordan, Tunisia, Turkey, the Soviet Socialist Republic of Ukraine, the Union of Soviet Socialist Republics, the Oriental Republic of Uruguay, the Vatican City State, the United States of Venezuela, Yemen, and the People's Federative Republic of Yugoslavia.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Paris by virtue of Article 13 of the Universal Postal Convention concluded at Buenos Aires on May 23, 1939,⁴ 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 JURISDICTION OF THE UNION

ARTICLE 1

Constitution and Aims of the Union

1. 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.
2. The purpose of the Postal Union is to assure the organization and improvement of the various postal services and to encourage in this sphere the development of international co-operation.

ARTICLE 2

Relations with the United Nations

The Union is placed in relationship with the United Nations under the terms of the agreement whose text is appended to the present Convention.

ARTICLE 3

New adhesions. Procedure

1. Any sovereign country may make at any time a request to adhere to the Convention.

⁴ *Ante*, vol. 3, p. 547.

2. The request for adherence is transmitted through diplomatic channels to the Government of the Swiss Confederation and by the latter to the members of the Union.

3. The country concerned is considered as admitted to membership if the request is approved by at least two thirds of the countries forming the Union.

4. The countries consulted which may not have replied in a period of four months are considered as having abstained.

5. The admission to membership is made known by the government of the Swiss Confederation to the Governments of all the countries of the Union.

ARTICLE 4

Convention and Agreements of the Union

1. The regular-mail service is governed by the provisions of the Convention.

2. Other services, such as those of insured letters and boxes, parcel post, collect-on-delivery articles, 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 the countries which have adhered to them.

3. Notice of adhesion to one or more of those agreements is given in accordance with the provisions of Article 3, Section 2.

ARTICLE 5

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 procedure and detail necessary for the execution of the Convention and the Agreements.

ARTICLE 6

Restricted Unions. Special Agreements

1. 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.

2. The same option is granted to the countries which participate in the Agreements and, should the occasion arise, to their Administrations, in regard to the subjects contemplated by those Acts and their Regulations.

⁵ See footnote 1, p. 482.

ARTICLE 7

Domestic legislation

The provisions of the Convention and Agreements of the Union do not prejudice the legislation of any country concerning anything which is not expressly provided for by those Acts.

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;

2° The Colony of the Belgian Congo;

3° The whole of the Spanish Colonies;

4° Algeria;

5° Indochina;

6° The whole of the other Overseas Territories of the French Republic and Territories administered as such;

7° The whole of the British Overseas Territories, including the Colonies, the Protectorates and the Territories under Mandate or under Trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland;

8° Curaçao and Surinam;

9° The Netherlands Indies;

10° The Portuguese Colonies in West Africa;

11° 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, overseas territories, protectorates or 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, overseas 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, overseas territory, protectorate or territory under suzerainty or mandate in the name of which that party has made a declaration by virtue of Section 1. Such 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, overseas territory, protectorate or territory under suzerainty or mandate enumerated in the Preamble of the Convention.

ARTICLE 10

Extent of Jurisdiction 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 other territories which, without being members of the Union, are included in it because they are dependent upon countries of the Union from a postal viewpoint.⁶

ARTICLE 11

Exceptional relations

Administrations which serve territories not included in the Union are bound to act as intermediaries for the other Administrations. The provisions of the Convention and its Regulations are applicable to such exceptional relations.

ARTICLE 12

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 of their Regulations of Execution, or of 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

⁶ The list of these territories will be included in the Official Digest of Information of General Interest Concerning the Execution of the Convention and its Regulations, published by the International Bureau in compliance with Article 173, § 2, of the Regulations. [Footnote in original.]

chooses another member of the Union which is not directly interested in the matter.

2. 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 asked to do so, calls upon the defaulting Administration to appoint an arbitrator, or appoints one itself without further formality.

3. The decision of the arbitrators is made on an absolute majority of votes.

4. 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.

5. 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 13

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 one or more of the Agreements by notice given one year in advance through 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 14

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.

2. Each country is represented at the Congress by one or more plenipotentiary delegates, provided with the necessary powers by their government. It may, if necessary, be represented by the delegation of another country. However, it is understood that a delegation may represent only one country besides its own.

3. In the deliberations, each country has but one vote.

4. 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, after agreement 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 15

Ratifications. Entry into force and duration of the Acts of Congresses

1. 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.
2. In the event that one or more of the contracting countries should not ratify one or another of the Acts signed by them, the latter would nevertheless be valid for the countries which have ratified them.
3. Those Acts are put into effect simultaneously and have the same duration.
4. As of 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 16

Extraordinary Congresses

1. 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.
2. The rules laid down by Articles 14 and 15 are applicable to the delegations, the deliberations, and the Acts of extraordinary Congresses.

ARTICLE 17

Regulations for Congresses

Each Congress draws up the necessary regulations for its work and deliberations.

ARTICLE 18

Executive and Liaison Committee. Composition. Functions. Operation

1. In the interval between Congresses, an Executive and Liaison Committee assures the continuance of the work of the Universal Postal Union in accordance with the provisions of the Convention and the Agreements.
2. The headquarters of the Committee are at Berne; meetings are generally held at the Committee's headquarters.
3. The Committee is composed of 19 members, who carry on their functions during the period between two successive Congresses.
4. The member countries of the Committee are selected by the Congress. At least half of the members must be renewed at each Congress; no country may be chosen by three Congresses in succession. The Director of the International Bureau performs the duties of General Secretary of the Committee.
5. The representative of each of the member countries of the Committee is designated by the Postal Administration of the country concerned. The

representatives of the member countries of the Committee must be qualified officials of the Postal Administrations.

6. At the first meeting, which is convened by the President of the last Congress, the Committee elects among its members a Chairman and four Vice-Chairmen, and draws up the necessary regulations for its activities and deliberations.

7. The services of the Committee members are gratuitous. The operating costs are charged to the Universal Postal Union. The representatives of overseas countries may obtain reimbursement for a round-trip airplane or steamship ticket.

8. The expenses provided for in Section 7 may not exceed 100,000 francs per year; they are added to those which the International Bureau is authorized to defray under Article 27 of the Convention.

9. The Committee holds regular meetings, generally once a year at the call of the Chairman.

10. The Committee may invite any representative of an international organization, or other qualified person whom it desires to include in its activities, to take part in its meetings without the right to vote. Consultative subcommittees may be formed for the study of special questions.

11. The functions of the Committee are as follows:

(a) Maintaining closest possible contact with member countries of the Union with a view to improving the international postal service;

(b) Studying technical questions of every nature which are of interest to the international postal service, and informing the member countries of the Union as to the results of such studies;

(c) Keeping appropriate contact with the United Nations Organization, its Councils and its Committees, as well as with specialized institutions and other international organizations, for studies and for the preparation of reports to be submitted for the approval of the members of the Union. Sending one of its members when necessary to represent the Union and attend meetings of all such international organizations in its name;

(d) If necessary, formulating the proposition to be submitted for the approval of the contracting countries in accordance with Articles 22 and 23 of the Convention;

(e) Within the framework of the Convention and its Regulations, checking the operations of the International Bureau, whose Director as well as other unclassified personnel it names when necessary upon the recommendation of the Government of the Swiss Confederation; approving on the recommendation of the Director of the Bureau the appointments of other employees; and authorizing the use of additional personnel considered necessary; preparing an annual report on the operations of the Bureau which it sends to the members of the Union.

12. At the close of each meeting, the Committee sends an analytical report to the Administrations of the countries of the Union as information.

13. The Committee makes a report to the Congress on all of its activities, and sends it to the contracting countries at least two months before the opening of the Congress.

ARTICLE 19

Conferences

1. 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 after agreement with the International Bureau.

2. Each Conference draws up its own regulations.

ARTICLE 20

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, after agreement, if necessary, with the Administration of the country where such Committees are to meet.

CHAPTER III

PROPOSITIONS IN THE INTERVAL BETWEEN MEETINGS

ARTICLE 21

Introduction of propositions

1. In the interval between meetings any Administration has the right to address to the other Administrations, through the intermediary of the International Bureau, propositions concerning the Convention, its Final Protocol, and its Regulations.

2. 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.

3. 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 22

Examination of propositions

1. Every proposition is submitted to the following procedure: A period of two months is allowed for the Administrations to examine the propositions and send their observations, if any, to the International Bureau. Amendments are not accepted. 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 two months are considered as abstaining. The periods above mentioned are counted from the dates of the circulars of the International Bureau.

2. 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 in Section 1.

ARTICLE 23

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 35 to 39, 57 to 63, 65 to 74 of the Convention, of any of the Articles of its Final Protocol and of Articles 101, 105, 117, 152, 163, and 184 of its Regulations;

(b) Two-thirds of the votes, if it is a question of modifying provisions other than those mentioned under letter (a) ;

(c) An absolute 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 12.

2. The Agreements fix the conditions to which the approval of propositions concerning them is subject.

ARTICLE 24

Notification of decisions

1. 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 preparing and transmitting, at the request of the International Bureau, to the governments of the contracting countries.

2. Additions to and modifications of the Regulations and their Final Protocols are recorded and communicated to the Administrations by the International Bureau. The same applies to the interpretations contemplated in Article 23, Section 1, letter (c).

ARTICLE 25

Effective date of decisions

No addition or modification adopted is effective until at least three months after its notification.

CHAPTER IV

INTERNATIONAL BUREAU

ARTICLE 26

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.

2. 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 examining 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 of editing and of documentation as the Convention, the Agreements and their Regulations may assign to it, or which may be entrusted to it in the interest of the Union.

3. 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 27

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 resulting from 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 28

Freedom of transit

1. Freedom of transit is guaranteed throughout the entire territory of the Union.

2. Freedom 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.

3. Freedom of transit for air-mail parcels is guaranteed throughout 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.

4. The Administrations which have adhered to the Agreement concerning parcel post are obliged to assure the transit of C. O. D. parcels, even if they do not accept such parcels in their service or if the amount to be collected exceeds the maximum fixed for their own traffic.⁷

5. Insured articles may be sent in transit in closed mails through the territory of countries which do not provide 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.

ARTICLE 29

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 30

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 31

Monetary standards

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 32

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.

⁷ Transfer of § 7 of Article 29 of the Buenos Aires Agreement concerning Parcel Post. [Footnote in original.]

ARTICLE 33

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 agree as to the language to be employed for official correspondence in their reciprocal relations.

ARTICLE 34

Postal identity cards

1. Any Administration may issue, to persons who apply for them, postal 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 a 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 card. Neither are they responsible for the consequences of loss, theft or fraudulent use of a valid card.

4. The card is valid for three years from the date of issue.

TITLE III

PROVISIONS CONCERNING POSTAL CORRESPONDENCE

CHAPTER I

GENERAL PROVISIONS

ARTICLE 35

Articles of correspondence

The term *articles of correspondence* applies to letters, single and reply-paid post cards, commercial papers, prints, raised print for the blind, samples of merchandise, small packets, and *Phonopost* articles.

ARTICLE 36

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 following table:

Articles 1	Units of weight 2	Rates 3	Limits of—	
			Weight 4	Dimensions 5
Letters:	g	c	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.
First unit of weight.....				
Each additional unit.....		12		
Post cards:				Maximum 15 by 10.5 cm.; minimum 10 by 7 cm.
Single.....		12		
With reply paid.....		24		
Commercial papers.....	50		2 kg.	As for letters. Prints sent open in the form of folded or unfolded cards are subject to the same minimum limits as post cards.
First unit of weight.....		8		
Each additional unit.....		4		
Minimum charge.....		20		
Prints.....	50		3 kg. (5 kg. for single volumes)	
First unit of weight.....		8		
Each additional unit.....		4		
Raised print for the blind....	1,000	2	7 kg.	
Samples of merchandise.....	50		500 g.	
First unit of weight.....		8		
Each additional unit.....		4		
Small packets.....	50	8	1 kg.	
Minimum charge.....		40		
Phonopost articles:				Length, breadth, and thickness combined, 60 cm.; but the greatest dimension may not exceed 26 cm.
First unit of weight.....	20	15	60 g.	
Each additional unit.....		10		

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 52, Section 1, hereafter.

3. 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 directly by the publishers or their representatives, or to grant it only to newspapers and periodicals which comply with conditions imposed by the domestic regulations for acceptance at the newspaper rate. There are excluded from the reduction, regardless of the regularity of their publication, commercial prints such as catalogs, prospectuses, price lists, etc.

4. Administrations may also 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.

5. The Administrations of origin which have accepted in principle the reduction of 50 percent, reserve the right to fix, for the articles contemplated in Sections 3 and 4 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.

6. Articles other than registered letters in sealed envelopes may not contain coins, banknotes, paper money or any instruments of value payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

7. 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.

8. 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 notation 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.

9. Samples of merchandise may not contain any article having a salable value.

10. The services of small packets and of *Phonopost* articles are limited to the countries which have agreed to exchange such articles, either in their reciprocal relations or in one direction only.

11. The inclusion in a single package of articles of correspondence of different classes (grouped articles) is authorized under the conditions fixed by the Regulations.

12. 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 dispatched.

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 37

Prepayment

or insufficiently prepaid, or reply post cards both halves of which are not fully prepaid by the sender.

3. When a large number of letters or single post cards is mailed unprepaid or insufficiently prepaid, or reply post cards both halves of which are not fully prepaid at the time of mailing, are not dispatched.

3. When a large number of letters or single post cards is mailed unprepaid or insufficiently prepaid, the Administration of the country of origin has the option of returning them to the sender.

ARTICLE 38

Charge on unprepaid or insufficiently prepaid correspondence

1. With the exceptions provided for by Article 57, Section 6, for registered articles, and by Article 136, 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.

2. 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 39

Surcharges

1. There may be collected, in addition to the rates fixed by Article 36, for every article transported by extraordinary services involving special expenses, a surcharge proportionate to those expenses.

2. When the rate of prepayment of the single post card includes the surcharge authorized by Section 1, the same rate is applicable to each half of the reply-paid post card.

ARTICLE 40

Special charges

1. The Administrations are authorized to charge an additional fee 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 collect 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 41

Dutiable articles

1. Small packets and prints liable to customs duty are accepted.

2. The same applies to letters and samples of merchandise containing dutiable articles when the country of destination has given its consent. However, each Administration has the right to limit the service of letters containing dutiable articles to registered letters.

3. Shipments of serums and vaccines, benefiting by the exception stipulated by Article 124 of the Regulations, are accepted in all cases.

ARTICLE 42

Customs inspection

The Administration of the country of destination is authorized to submit the articles mentioned in Article 41 to customs inspection and, if necessary, to open them without further formality.

ARTICLE 43

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 44

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 45

Articles free of charges

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 all 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 a sufficient deposit.

2. 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 43.

3. Any Administration has the right to limit this prepayment service to registered articles.

ARTICLE 46

Cancellation of customs duty and other non-postal charges

The Administrations undertake to make representations to the services which are concerned 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 47

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.

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 by the Administration of destination, not exceeding that collected in the domestic service for articles of the same kind. 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 38.

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 48

Articles to be delivered to the addressee only

In relations with Administrations which have given their consent, registered articles of correspondence accompanied by a return receipt are delivered, at the sender's request, to the addressee only.

ARTICLE 49

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
(a) Articles which, by their nature or packing, may expose postal employees to danger, or soil or damage the mails; (b) Articles liable to customs duty (with the exceptions provided for by Article 41), as well as samples sent in quantities for the purpose of avoiding the collection of such duty; (c) Opium, morphine, cocaine, and other narcotics; (d) Articles whose acceptance or circulation is prohibited in the country of destination; (e) Live animals, with the exception of: 1. Bees, leeches and silkworms; 2. Parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies; (f) Explosive, inflammable or dangerous substances; (g) Obscene or immoral articles.	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; To be destroyed on the spot by the Administration which discovers their presence.

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 50

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 51

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 intermediate 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 52

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 provisions 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.

3. The same is true of correspondence concerning prisoners of war, sent or received either directly or as intermediary by the Central Information Office for Prisoners of War, as provided for in Article 79 of the International Convention of Geneva of July 27, 1929,⁸ or by information offices which may be established for the benefit of such persons in belligerent countries or in neutral countries which have received belligerents in their territory.

4. Belligerents received and interned in a neutral country, as well as civilians of enemy nationality detained in civilian camps or prisons, are assimilated to prisoners of war properly so called, insofar as the application of the provisions mentioned above is concerned.

ARTICLE 53

International reply coupons

1. International reply coupons are placed on sale in the countries of the Union.

2. Their selling-price is determined by the Administrations concerned, but may not be less than 28 centimes or the equivalent in money of the country selling them.

3. 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.

4. Moreover, the right is reserved for any country to require that the coupons and the articles of correspondence for the prepayment of which they are to be exchanged be presented at the same time.

ARTICLE 54

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, that it does not come within the scope of the provisions contained in Article 49, or that the customs examination does not reveal any irregularity.

2. The request to be made to that effect is transmitted by mail or by telegraph at the expense of the sender, who shall pay for each request a fee of 40 centimes at the most. If the request has to be transmitted by air mail or by telegraph, the sender shall pay, in addition, the air mail surcharge or telegraph charges.

3. For each request for withdrawal or change of address relating to several articles mailed simultaneously at the same office by the same sender

⁸ TS 846, *ante*, vol. 2, p. 932.

to the same addressee, only one fee or surcharge as mentioned in Section 2 shall be collected.

4. A simple correction of address (without changing the name or the title of the addressee) may be requested of the office of destination directly by the sender, that is, without complying with the formalities and paying the charges mentioned in Sections 2 and 3.⁹

ARTICLE 55

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 addressee or addressed to general delivery is fixed by the regulations of the country of destination. However, such period may not exceed one month as a general rule, except in particular cases where the Administration of destination deems it necessary to extend it to two 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 in a language known in the country of destination. 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.

⁹ Transfer of the provision of Article 151 of the Regulations of Execution of the Buenos Aires Convention, 1939. [Footnote in original.]

ARTICLE 56

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. When, at the request of the party concerned, an inquiry or request for information must be sent by air mail, this fee plus the air mail surcharge, or double this surcharge if the reply is to be returned in the same manner, must be collected. In the event that telegraph service is requested, the telegraph charge is collected in addition to the prescribed fee.

2. For each inquiry or request for information relating to several articles mailed simultaneously at the same office by the same sender to the same addressee, only one charge or surcharge as mentioned in Section 1 shall be collected.

3. As for registered articles, no fee is collected, if the sender has already paid the special fee for a return receipt.

4. Inquiries are accepted only within the period of one year, counting from the day following the date 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.

5. Every Administration is obliged to accept inquiries and requests for information concerning articles mailed in the territory of other Administrations.

6. When an inquiry or a request for information has been made necessary through a fault of the service, the fee collected therefor is returned.

CHAPTER II

REGISTERED ARTICLES

ARTICLE 57

Charges

1. The articles of correspondence designated in Article 35 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.

3. The fixed registration fee applicable to the reply half of a post card cannot be legally paid by anyone but the sender of that half.

4. A receipt shall be delivered without charge to the sender of a registered article at the time of mailing.

5. Countries disposed to assume risks arising from *force majeure* (causes beyond control) are authorized to collect a special charge of 40 centimes at most for each registered article.

6. 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 58

Return receipts

1. 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.

2. The return receipt may be requested after the mailing of the article, within the period of one year and upon payment of the charge prescribed by Article 56 for inquiries.

ARTICLE 59

Extent of responsibility

1. With the exceptions provided for by Article 60 following, Administrations are responsible for the loss of registered articles.

2. The sender is entitled, on that account, to indemnity, the amount of which is fixed at 25 francs per article.

3. Administrations assume no responsibility for articles seized by the customs.

ARTICLE 60

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 with regard to an Administration of origin which has undertaken to cover risks of *force majeure* (Article 57, Section 5). 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*; these circumstances shall be brought to the attention of the country of origin, for its information;

(b) When, proof of their responsibility not having been furnished otherwise, they cannot 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 36, Sections 6 and 8, letter (c), and 49, Section 1;

(d) When the sender has not made any inquiry within the period of one year contemplated by Article 56.

ARTICLE 61

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 62

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, cannot establish either delivery to the addressee or regular transmission to the next Administration, as the case may be.

2. An intermediary Administration or one of destination is, until the contrary is proved, released from all responsibility:

(a) When it has observed the provisions of Article 150, Section 4, 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 169 of the Regulations having expired; this reservation does not prejudice the rights of the claimant.

3. However, if the loss has taken place in the course of transmission, without its being possible to determine the country in whose territory or service the loss occurred, the Administrations concerned bear the loss in equal shares.

4. When a registered article has been lost under circumstances of *force majeure*, the Administration in 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*.

5. The customs duties and other charges whose cancellation it has been impossible to obtain are charged to the Administrations responsible for the loss.

6. The Administration which has effected payment of the indemnity is subrogated in the rights of the person who has received it up to the amount thereof, for eventual recourse against the addressee, the sender, or third parties.

7. In case of subsequent recovery of a registered article considered as lost, or part of such article, the sender and the addressee shall be informed to that effect.

8. In addition, the sender shall be informed that he may obtain possession of the article within a period of three months upon repayment of the amount of the indemnity received. If, during such period, the sender does not claim the article, the addressee shall be advised that he may obtain possession of it within a similar period by paying the amount awarded to the sender.

9. If the sender or the addressee obtains possession of the article by repaying the amount of the indemnity, this amount shall be refunded to the Administration or Administrations which paid for the loss.

10. If the sender and the addressee waive delivery of the article, the latter is considered as undeliverable.

ARTICLE 63

Payment of indemnity

The obligation of paying indemnity falls upon the Administration to which the mailing office of the article belongs, subject to its right to file a claim against the responsible Administration.

ARTICLE 64

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.

2. The Administration of mailing of the article which does not accept risks arising from *force majeure* may postpone settlement for the indemnity beyond the period prescribed by Section 1 when the question of knowing whether the loss of the article was due to a case of that kind has not yet been settled.

3. The Administration of origin is authorized to settle with the sender on behalf of an intermediate Administration or one of destination which, duly notified, has let pass three months or six months in relations with distant countries, without settling the matter. A longer period is granted if the loss appears due to a case of *force majeure*; in any event, such fact must be brought to the attention of the Administration of origin.

ARTICLE 65

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 64, is bound to reimburse the Administration of origin, within a period of six months, counted from the sending of the notification of payment, for the amount of indemnity actually paid to the

sender. This period is extended to nine months in relations with distant countries.

2. If the indemnity must be paid by several Administrations in conformity with article 62, the entire indemnity due must be turned over to the Administration of origin, within the period mentioned in Section 1, by the first Administration which, having duly received the article inquired about cannot establish its regular transmission to the corresponding service. It is incumbent upon that Administration to recover from the other responsible Administrations whatever contribution is due from them individually toward the indemnity paid to the rightful claimant.

3. 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.

4. When responsibility has been acknowledged, as well as in the case contemplated by Article 64, Section 3, the amount of indemnity may likewise be recovered from the responsible country officially through any account, either directly or through the intermediary of an Administration which regularly exchanges accounts with the responsible Administration.

5. At the expiration of the period of six 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. This period is extended to nine months in relations with distant countries.

6. 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 64, Section 3.

7. 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.

8. 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

ALLOCATION OF POSTAGE. TRANSIT CHARGES

ARTICLE 66

Allocation of postage

Except in cases expressly provided for by the Convention, each Administration retains all of the postage which it collects.

ARTICLE 67

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
1° Territorial transit:		
Up to 1,000 km.	Fr.c. 0.60	Fr.c. 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
2° Maritime transit:		
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 through 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 68

Exemption from transit charges

The following are exempt from all territorial or maritime transit charges: The correspondence sent free of postage mentioned in Article 52; 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 69

Extraordinary services

The transit charges specified in Article 67 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 70

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 through the services of any country. The Regulations fix the period and the duration of the application of the statistics.

3. When the annual balance between two Administrations does not exceed 25 francs, the debtor Administration is exempted from any payment.

4. Any Administration is authorized to submit to a board of arbitrators 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 12.

5. The arbitrators are authorized to determine the proper amount of transit charges to be paid.

ARTICLE 71

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, through 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 mail; 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, the Administration of the country to which the warships belong is indebted to the intermediary Administrations for the transit charges of the dispatches calculated in accordance with the provisions of Article 67.

MISCELLANEOUS PROVISIONS

ARTICLE 72

Failure to observe freedom of transit

When a country does not observe the provisions of Article 28 concerning freedom 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 73

Obligations relative to penal measures

The contracting countries undertake to adopt, or to propose to their respective legislative bodies, the necessary measures:

(a) To punish the counterfeiting of postage stamps, even if withdrawn from circulation, international reply coupons, and postal identity cards;

(b) To punish the use or placing in circulation of

(1) counterfeit postage stamps (even if withdrawn from circulation) or used stamps, as well as counterfeit or used impressions of stamping machines or of printing presses;

(2) counterfeit international reply coupons;

(3) counterfeit postal identity cards;

(c) To punish the fraudulent use of regular postal identity cards;

(d) To prohibit and suppress 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) To prevent, and, if occasion arises, to punish the insertion of opium, morphine, cocaine or other narcotics, as well as explosive or easily inflammable substances in mail articles in which such insertion is not expressly authorized by the Convention and Agreements.

FINAL PROVISIONS

ARTICLE 74

Effective date and duration of the Convention

The present Convention will become effective on July 1, 1948, and will remain in force for an indefinite period.

In testimony whereof, 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 French Republic, and a copy of which will be delivered to each party.

Done at Paris, July 5, 1947.

For Afghanistan:

ISLAM BAY KHAN
A. KAYOUM

For the Union of South Africa:

L. C. BURKE¹⁰

For Albania:

KAHREMAN YLLI

For Germany:

For the United States of America:

JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For all the possessions of the United

States of America:

JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For the Kingdom of Saudi Arabia:

HAFIZ WAHBA

For the Republic of Argentina:

For Oscar L. Nicolini:
D. B. CANALLE
D. B. CANALLE
ROQUE DE ZERBI

For the Commonwealth of Australia:

L. B. FANNING
W. G. WRIGHT

For Austria:

DR. RUDOLF KUHN

For Belgium:

STAPPAERTS
O. SCHOCKAERT
J. CARÊME

For the Colony of the Belgian Congo:

L. WÉRY

For the Byelorussian Soviet Socialist Republic:

KOSSOV

For Bolivia:

A. COSTA DU RELS

For Brazil:

RAUL DE ALBUQUERQUE
CARLOS LUIS TAVEIRA
MOACYR BRIGGS
JULIO SANCHEZ PEREZ

For the People's Republic of Bulgaria:

G. GHEORGHIEFF
A. COHENOV

For Canada:

W. J. TURNBULL
E. J. UNDERWOOD
L. GERMAIN

For Chile:

PEDRO EYZAGUIRRE

For China:

T. TAI

For the Republic of Colombia:

L. BORDA ROLDAN
ROBERTO ARCINIEGAS
JORGE PEREZ JIMENO

For Korea:

For Costa Rica:

¹⁰ For a declaration made by the South African delegation at the time of signing, see p. 525.

- For the Republic of Cuba:
S. I. CLARK
EVELIO C. JUNGOSA
JESÚS LAGO LUNAR
- For Denmark:
ARNE KROG
J. E. T. ANDERSEN
- For the Dominican Republic:
DR. M. PASTORIZA
S. E. PARADAS
- For Egypt:
AHMED MAMDOUH MOUSI BEY
MOAWAD KHALIL BIAHAI
ANOUAR BAKIR
- For the Republic of El Salvador:
R. BUSTAMANTE
A. SOLER-SERRA
- For Ecuador:
A. PARRA V.
- For Spain:
- For all the Spanish Colonies:
- For Ethiopia:
TESFAIE TEGUEGN
- For Finland:
JOHAN HELO
URHO TALVITIE
TAUNO PUOLANNE
- For France:
LE MOUËL
ALBERT LAMARLE
USCLAT
BERNARD
DESMARAIS
DROUET
G. BOURTHOUMIEUX
- For Algeria:
A. LABROUSSE
H. GRAS
- For Indochina:
SKINAZI
- For all the other overseas territories of the French Republic and territories administered as such:
SKINAZI
- For the United Kingdom of Great Britain and Northern Ireland:
D. J. LIDBURY
W. H. WEIGHTMAN
R. H. LOCKE
A. D. WILLIAMS
E. P. BELL
A. WOLSTENCROFT
- For all the British overseas territories, including colonies, protectorates, and the territories under mandate or under trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland:
D. J. LIDBURY
W. H. WEIGHTMAN
R. H. LOCKE
A. L. WILLIAMS
E. P. BELL
A. WOLSTENCROFT
- For Greece:
D. VERNARDOS
TH. BREDIMAS
- For Guatemala:
E. MUNOZ MEANY
- For the Republic of Haiti:
PLACIDE DAVID
- For the Republic of Honduras:
R. A. BUSTAMANTE
A. SOLER-SERRA
- For Hungary:
MODOS ELEMÉR
- For India:
K. PRASADA
C. V. CUNNINGHAM
S. A. SIDDIQI
S. N. DAS GUPTA
N. CHANDRA
- For Iran:
H. HEDJAZI
I. DARSA
- For Iraq:
J. HAMDI
BEHER FAIK
- For Ireland:
S. S. PUIRSÉAL
S. Ó. H. ÉIRAMHOIN
- For the Republic of Iceland:
MAGNES JOCHUMSSON
- For Italy:
MUSUMECI GIOVANNI
ANTONIO PENNETTA
PAOLO NOVI
- For Japan:
- For Lebanon:
G. NAMMOUR

- For the Republic of Liberia:
- For Luxembourg:
E. RAUS
- For Morocco (excluding the Spanish Zone):
L. PERNOT
HUMBERTCLAUDE
- For Morocco (Spanish Zone):
- For Mexico:
El VILLASEÑOR
LAURO RAMIREZ
- For Nicaragua:
- For Norway:
STEN HAUG
INGV. LID
HAKON ERIKSEN
- For New Zealand:
P. N. CRYER
- For the Republic of Panama:
C. ARROCHA GRAELL
ELIGIO OCAÑA V.
- For Paraguay:
For Oscar L. Nicolini:
D. B. CANALLE
DOMINGO B. CANALLE
ROQUE DE ZERBI
- For the Netherlands:
V. GOOR
HOFMAN
- For Curaçao and Surinam:
V. GOOR
HOFMAN
- For the Netherlands Indies:
P. DIJKWEL
C. C. VAN DILLEWIJN
- For Peru:
For Arturo Garcia-Salazar:
CARLOS MACKENHENIE
ERNESTO CÁCERES
- For the Republic of the Philippines:
F. CUADERNO
BELARMINO P. NAVARRO
- For Poland:
B. BLAZEK
T. JARÓN
M. HERWICH
- For Portugal:
DUARTE CALHEIROS
JORGE BRAGA
A. BASTOS GAVIÃO
J. C. QUADRIO MORÃO
- For the Portuguese Colonies in West Africa:
DOMINGOS ANTONIO DA PIEDADE BARRETO
JOAQUIM ARNALDO ROGADO QUINTINO
- For the Portuguese Colonies in East Africa, Asia, and Oceania:
DOMINGOS ANTONIO DA PIEDADE BARRETO
LUÍS CÂNDIDO TAVEIRA
- For Romania:
R. ROSCA
I. NICOLAU
- For the Republic of San Marino:
R. FACCHIN
- For Siam:
YIM PHUNG PHRAKHUM
- For Sweden:
GUNNAR LAGER
ALLEN HULTMAN
TURE NYLUND
- For the Swiss Confederation:
F. J. HESS
TUASON
PH. ZUTTER
CHAPPUIS
H. GRAF
- For Syria:
ADIB DAUDI
- For Czechoslovakia:
STANISLAV KONECNY
FR. HOFNER
MIROSLAV SOUKUP
DR. FRANT. NORMAN
- For the Hashemite Kingdom of Trans-Jordan:
- For Tunisia:
MACHABEY
- For Turkey:
I. BESEN
- For the Ukrainian Soviet Socialist Republic:
N. STASS
- For the Union of Soviet Socialist Republics:
P. SARATOVKIN
N. STASS
N. BOUCHOUEV
D. ERIGIN
- For the Oriental Republic of Uruguay:
M. AGUERRE ARISTEGUI

For the Vatican City State:

EGIDIO VAGNOZZI

A. SELME

For the United States of Venezuela:

PABLO CASTRO BECERRA

F. VÉLEZ SALAS

For Yemen:

For the People's Federative Republic of
Yugoslavia:

VLADIMIR ŠENK

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 54 do not apply to Great Britain, nor to those 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 percent, or of decreasing by 20 percent, at most, the postage rates fixed by Article 36, Section 1, in accordance with the indications of the following table:

	Minimum limits	Maximum limits
	Centimes	Centimes
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 {First unit.	6.4	11.2
{Each additional unit.	3.2	5.6
{Minimum charge.	16	28
Raised print for the blind, each 1,000 grams.	1.6	2.8
Printed matter {First unit.	6.4	11.2
{Each additional unit.	3.2	5.6
Samples of merchandise {First unit.	6.4	11.2
{Each additional unit.	3.2	5.6
Small packets, each 50 grams.	6.4	11.2
Minimum charge.	32	56
"Phonopost" articles {First unit.	12	21
{Each additional unit.	8	14

2. 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.

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

Exception to the application of the rates for commercial papers, prints and samples of merchandise

As an exception to the provisions of Article 36, the countries have the right not to apply the rate fixed for the first unit of weight to commercial papers, prints, and samples and to preserve the rate of 4 centimes for this unit, with a minimum of 8 centimes for samples of merchandise.

IV

Avoirdupois ounce

It is agreed, as an exceptional measure, that countries which, on account of their domestic legislation, cannot 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.

V

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.

VI

International reply coupons

Administrations have the option of not undertaking the sale of international reply coupons or of limiting their sale.

VII

Registration fee

Countries which cannot fix at 40 centimes the registration fee contemplated by Article 56 [57], Section 2, are authorized to collect a fee which may amount to as much as 50 centimes, or their domestic registration fee.

VIII

Air services

1. 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 thereof and of its Regulations.

2. However, by exception to the general provisions of the Convention, the modification of those provisions may be taken under consideration from time to time by a Conference comprising the representatives of the Administrations directly concerned.

3. The Conference may be called together through the intermediary of the International Bureau, at the request of at least three of the Administrations.

4. All the provisions proposed by the Conference shall be submitted, through 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.

IX

Exception to freedom of transit for small packets

By exception to the provisions of Article 28, 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.

X

Special transit charges for the Trans-Siberian and Trans-Andean routes

1. By exception to the provisions of Article 67, 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.

2. The Administration of the Argentine Republic is authorized to collect a charge of 30 centimes in addition to the transit charges mentioned in Article 67, Section 1, Figure 1°, of the Convention, for each kilogram of correspondence of any kind carried in transit over the Argentine section of the Trans-Andean Railway.

XI

Special transit conditions for Afghanistan

By exception to the provisions of Article 67, Section 1, the Administration of Afghanistan is authorized temporarily, because of the special difficulties facing it as regards transportation and communication facilities, to effect the transit of closed mails and correspondence in open mail through its country under special conditions agreed to between itself and the interested Administrations.

XII

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 the said Administration does not receive any territorial or maritime transit charges for such dispatches.

XIII

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.

XIV

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.

XV

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 Agree-

ments 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.

XVI

Period for notification of adhesions

The adhesions contemplated in Articles XIV and XV shall be communicated by the Governments concerned, through diplomatic channels, to the Government of the French 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, 1948.

XVII

Protocol left open to countries momentarily prevented from adhering to the Convention and to the Agreements

1. Spain, Morocco (Spanish Zone), and the Whole of the Spanish Colonies, momentarily prevented from adhering to the Convention and to the Agreements, due to a decision of the XII Universal Postal Congress adopted in conformity with the Resolution passed by the General Assembly of the United Nations on December 12, 1946,¹¹ may adhere to these Acts, without submitting to the formalities prescribed in Article 3, as soon as that Resolution shall be repealed or become inoperative.

2. Germany, Japan, and Korea, momentarily prevented from adhering to the Convention and the Agreements, may adhere to these Acts, without submitting to the formalities prescribed in Article 3, when the responsible authorities consider it opportune.

3. The adhesions contemplated in Sections 1 and 2 must be made known, through diplomatic channels, by the interested Governments to the Governments of the French Republic and by the latter to the other States of the Union.

In testimony whereof, 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 French Republic, and a copy of which will be delivered to each party.

Done at Paris, July 5, 1947.

¹¹ For text, see *Department of State Bulletin*, Dec. 22, 1946, p. 1143.

For Afghanistan:
ISLAM BAY KHAN
A. KAYOUM

For Albania:
KAHREMAN YLLI

For Germany:

For the Union of South Africa:
L. C. BURKE

For the United States of America:

JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For all the possessions of the United States of America:

JOHN J. GILLEN
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For the Kingdom of Saudi Arabia:
HAFIZ WAHBA

For the Republic of Argentina:

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D. B. CANALLE
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STAPPAERTS
O. SCHOCKAERT
J. CARÊME

For the Colony of the Belgian Congo:

L. WÉRY

For the Byelorussian Soviet Socialist Republic:

KOSSOV

For Bolivia:

A. COSTA DU RELS

For Brazil:

RAUL DE ALBUQUERQUE
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L. BORDA ROLDAN
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DR. M. PASTORIZA
S. E. PARADAS

For Egypt:

AHMED MAMDOUH MOUSI BEY
MOAWAD KHALIL BIAHAI
ANOUAR BAKIR

For the Republic of El Salvador:

R. BUSTAMANTE
A. SOLER-SERRA

For Ecuador:

A. PARRA V.

For Spain:

For all the Spanish Colonies:

For Ethiopia:

TESFAIE TEGUEGN

For Finland:

JOHAN HELO
URHO TALVITIE
TAUNO PUOLANNE

- For France:
 LE MOUËL
 ALBERT LAMARLE
 USCLAT
 BERNARD
 DESMARAIS
 DROUET
 G. BOURTHOUMIEUX
- For Algeria:
 A. LABROUSSE
 H. GRAS
- For Indochina:
 SKINAZI
- For all the other overseas territories of
 the French Republic and territories
 administered as such:
 SKINAZI
- For the United Kingdom of Great Brit-
 ain and Northern Ireland:
 D. J. LIDBURY
 W. H. WEIGHTMAN
 R. H. LOCKE
 A. L. WILLIAMS
 E. P. BELL
 A. WOLSTENCROFT
- For all the British overseas territories,
 including colonies, protectorates,
 and the territories under mandate
 or under trusteeship exercised by
 the Government of the United
 Kingdom of Great Britain and
 Northern Ireland:
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 W. H. WEIGHTMAN
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 A. L. WILLIAMS
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- For Greece:
 D. VERNARDOS
 TH. BREDIMAS
- For Guatemala:
 E. MUNOZ MEANY
- For the Republic of Haiti:
 PLACIDE DAVID
- For the Republic of Honduras:
 R. A. BUSTAMANTE
 A. SOLER-SERRA
- For Hungary:
 MODOS ELEMÉR
- For India:
 K. PRASADA
 C. V. CUNNINGHAM
 S. A. SIDDIQI
 S. N. DAS GUPTA
 N. CHANDRA
- For Iran:
 H. HEDJAZI
 I. DARSÁ
- For Iraq:
 J. HAMDI
 BEHER FAIK
- For Ireland:
 S. S. PUIRSÉAL
 S. Ó. H. ÉIRAMHOIN
- For the Republic of Iceland:
 MAGNES JOCHUMSSON
- For Italy:
 MUSUMECI GIOVANNI
 ANTONIO PENNETTA
 PAOLO NOVI
- For Japan:
- For Lebanon:
 G. NAMMOUR
- For the Republic of Liberia:
- For Luxembourg:
 E. RAUS
- For Morocco (excluding the Spanish
 Zone):
 L. PERNOT
 HUMBERTCLAUDE
- For Morocco (Spanish Zone):
- For Mexico:
 E. VILLASEÑOR
 LAURO RAMIREZ
- For Nicaragua:
- For Norway:
 STEN HAUG
 INGV. LID
 HAKON ERIKSEN
- For New Zealand:
 P. N. CRYER
- For the Republic of Panama:
 C. ARROCHA GRAELL
 ELIGIO OCAÑA V.

- For Paraguay:
 For Oscar L. Nicolini:
 D. B. CANALLE
 DOMINGO B. CANALLE
 ROQUE DE ZERBI
- For the Netherlands:
 V. GOOR
 HOFMAN
- For Curaçao and Surinam:
 V. GOOR
 HOFMAN
- For the Netherlands Indies:
 P. DIJKWEL
 C. C. VAN DILLEWIJN
- For Peru:
 For Arturo Garcia-Salazar:
 CARLOS MACKENHENIE
 CARLOS MACKENHENIE
 ERNESTO CÁCERES
- For the Republic of the Philippines:
 F. CUADERNO
 BELARMINO P. NAVARRO
- For Poland:
 B. BLAZEK
 T. JARÓN
 M. HERWIGH
- For Portugal:
 DUARTE CALHEIROS
 JORGE BRAGA
 A. BASTOS GAVIÃO
 J. C. QUADRIO MORÃO
- For the Portuguese Colonies in West Africa:
 DOMINGOS ANTONIO DA PIEDADE
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 JOAQUIM ARNALDO ROGADO QUINTINO
- For the Portuguese Colonies in East Africa, Asia, and Oceania:
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 BARRETO
 LUÍS CÂNDIDO TAVEIRA
- For Romania:
 R. ROSCA
 I. NICOLAU
- For the Republic of San Marino:
 R. FACCHIN
- For Siam:
 YIM PHUNG PHRAKHUM
- For Sweden:
 GUNNAR LAGER
 ALLEN HULTMAN
 TURE NYLUND
- For the Swiss Confederation:
 F. J. HESS
 TUASON
 PH. ZUTTER
 CHAPPUIS
 H. GRAF
- For Syria:
 ADIB DAOUDI
- For Czechoslovakia:
 STANISLAV KONECNY
 FR. HOFNER
 MIROSLAV SOUKUP
 DR. FRANT. NORMAN
- For the Hashemite Kingdom of Trans-Jordan:
- For Tunisia:
 MACHABEY
- For Turkey:
 I. BESEN
- For the Ukrainian Soviet Socialist Republic:
 N. STASS
- For the Union of Soviet Socialist Republics:
 P. SARATOVKIN
 N. STASS
 N. BOUCHOUËV
 D. ERIGIN
- For the Oriental Republic of Uruguay:
 M. AGUERRE ARISTEGUI
- For the Vatican City State:
 EGIDIO VAGNOZZI
 A. SELME
- For the United States of Venezuela:
 PABLO CASTRO BECERRA
 F. VÉLEZ SALAS
- For Yemen:
- For the People's Federative Republic of Yugoslavia:
 VLADIMIR ŠENK

DECLARATION MADE AT THE MOMENT OF SIGNING, AS PRESCRIBED BY ARTICLE 9 OF THE CONVENTION CONCERNING THE APPLICATION OF THE SAID CONVENTION TO COLONIES, PROTECTORATES, ETC.

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.

PARIS, July 5, 1947.

L. C. BURKE

ANNEX

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNIVERSAL POSTAL UNION

PREAMBLE

In consideration of the obligations placed upon the United Nations by Article 57 of the Charter of the United Nations,¹² the United Nations and the Universal Postal Union agree as follows:

Article I

The United Nations recognizes the Universal Postal Union (hereinafter called the Union) as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

Article II

RECIPROCAL REPRESENTATION

1. Representatives of the United Nations shall be invited to attend all the Union's congresses, administrative conferences and commissions, and to participate, without vote, in the deliberations of these meetings.

2. Representatives of the Union shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council), of its commissions and committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

3. Representatives of the Union shall be invited to attend the meetings of the General Assembly during which questions within the competence of the Union are under discussion, for purposes of consultation, and to participate, without vote, in the deliberations of the main committees of the General Assembly with respect to items concerning the Union.

¹² TS 993, *ante*, vol. 3, p. 1167.

4. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Council and its commissions, and the Trusteeship Council, as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

Article III

PROPOSAL OF AGENDA ITEMS

Subject to such preliminary consultation as may be necessary, the Union shall include in the agenda of its congresses, administrative conferences or commissions, or, as the case may be, shall submit to its members in accordance with the provisions of the Universal Postal Convention, items proposed to it by the United Nations. Similarly, the Council, its commissions and committees, and the Trusteeship Council shall include in their agenda items proposed by the Union.

Article IV

RECOMMENDATIONS OF THE UNITED NATIONS

1. The Union agrees to arrange for the submission as soon as possible, for appropriate action, to its congresses or its administrative conferences or commissions, or to its members, in conformity with the provisions of the Universal Postal Convention, of all formal recommendations which the United Nations may make to it. Such recommendations will be addressed to the Union and not directly to its members.

2. The Union agrees to enter into consultation with the United Nations, upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The Union will co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it will co-operate with any body which the Council may establish for the purpose of facilitating such co-ordination and will furnish such information as may be required for the carrying out of this purpose.

Article V

EXCHANGE OF INFORMATION AND DOCUMENTS

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Union.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

(a) The Union shall submit to the United Nations an annual report on its activities;

(b) The Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XI;

(c) The Union shall furnish written advice on questions within its competence as may be requested by the Trusteeship Council;

(d) The Secretary-General of the United Nations shall, upon request, consult with the Director of the International Bureau of the Union regarding the provision to the Union of such information as may be of special interest to it.

Article VI

ASSISTANCE TO THE UNITED NATIONS

The Union agrees to co-operate with and to give assistance to the United Nations, its principal and subsidiary organs, so far as is consistent with the provisions of the Universal Postal Convention.

As regards the Members of the United Nations, the Union agrees that in accordance with Article 103 of the Charter no provision in the Universal Postal Convention or related agreements shall be construed as preventing or limiting any State in complying with its obligations to the United Nations.

Article VII

PERSONNEL ARRANGEMENTS

The United Nations and the Union agree to co-operate as necessary to ensure as much uniformity as possible in the conditions of employment of personnel, and to avoid competition in the recruitment of personnel.

Article VIII

STATISTICAL SERVICES

1. The United Nations and the Union agree to co-operate with a view to securing the greatest possible usefulness and utilization of statistical information and data.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the appropriate agency

for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as it may be essential for its own purposes or for the improvement of statistics throughout the world.

Article IX

ADMINISTRATIVE AND TECHNICAL SERVICES

1. The United Nations and the Union recognize the desirability, in the interests of the most efficient use of personnel and resources, of avoiding the establishment of competitive or overlapping services.

2. Arrangements shall be made between the United Nations and the Union with regard to the registration and deposit of official documents.

Article X

BUDGETARY ARRANGEMENTS

The annual budget of the Union shall be transmitted to the United Nations, and the General Assembly may make recommendations thereon to the Congress of the Union.

Article XI

FINANCING OF SPECIAL SERVICES

In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or information in accordance with article V or with any other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

Article XII

INTER-AGENCY AGREEMENTS

The Union will inform the Council of the nature and scope of any agreement between the Union and any specialized agency or other inter-governmental organization, and further agrees to inform the Council of the preparation of any such agreements.

Article XIII

LIAISON

1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking in agreement whatever measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply, as far as is appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

Article XIV

IMPLEMENTATION OF THE AGREEMENT

The Secretary-General of the United Nations and the President of the Executive and Liaison Commission of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable in the light of operating experience of the two organizations.

Article XV

ENTRY INTO FORCE

This agreement is annexed to the Universal Postal Convention concluded in Paris in 1947. It will come into force after approval by the General Assembly of the United Nations, and, at the earliest, at the same time as this Convention.

Article XVI

REVISION

On six months' notice given on either part, this agreement shall be subject to revision by agreement between the United Nations and the Union.
Paris, 4 July 1947.

JAN PAPANEK
*Acting Chairman of the Committee of the
Economic and Social Council on Negotiations
with Specialized Agencies*

J. J. LE MOUËL
Chairman of the XIIth Congress of the Universal Postal Union

[For text of regulations and appendix (forms) for execution of the Convention, see 62 Stat. 3347 or TIAS 1850, p. 199.]

AIRMAIL PROVISIONS

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PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

Articles of correspondence admitted to air transportation

1. There are admitted to air transportation, over all or part of the route, all the articles designated in Article 35 of the Convention, as well as money orders, collection orders, and subscriptions by mail. Such articles which, in that case, are known as *air-mail correspondence*, are divided into articles for which a special air-transportation surcharge is collected (surcharged articles), and those for which such a charge is not due (unsurcharged articles).

2. The articles mentioned in Article 35 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. Surcharged 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

Freedom of transit

The freedom of transit provided for in Article 28 of the Convention is guaranteed to air-mail correspondence throughout the territory of the Union, whether or not the intermediate Administrations take part in the forwarding of the correspondence.

ARTICLE 3

Forwarding of air-mail correspondence

1. Administrations which make use of communications by air for the transportation of their own surcharged air-mail correspondence are bound to forward by those same routes the surcharged air-mail correspondence received by them from other Administrations. The same applies to unsurcharged air-mail correspondence, provided the available capacity of the planes permits it.

2. Administrations having no air service forward air-mail correspondence by the most rapid means utilized by the mails. The same applies if, for any reason, forwarding 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 surcharged air-mail articles by the senders, provided the routing asked

for is normally utilized for the transportation of mails on the stretch concerned, 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. In order to establish the most suitable route, the office of origin may send to the office of destination of the dispatch a trial bulletin in accordance with Form AV 1 hereto appended;¹³ the bulletin must be included in the dispatch and attached to the letter bill. The trial bulletin, duly filled out, shall be returned to the office of origin by the first available air mail.

6. 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 the one best qualified to reforward the mails. If the personnel is prevented from doing this, the post office concerned, after being informed of the accident, shall make every possible effort without delay to take delivery of the mail. The dispatches must be forwarded to the offices of destination by the most rapid means after determining the condition of the correspondence and reconditioning it if damaged.

7. The circumstances of the accident and the facts determined shall be reported by bulletin of verification to the offices of destination of the dispatches involved; a copy of the bulletin shall be sent to the office of origin of the dispatches. In addition, the Administration of the country to which the air line belongs shall advise the Administrations concerned by telegram of all the particulars of the disposal of the mail.

ARTICLE 4

Air transportation over part of the route only

1. Unless practical difficulties would result therefrom, the sender may request that his surcharged correspondence be dispatched by air over only a part of the route.

2. When he exercises this option, the sender shall indicate on his surcharged 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 air transmission, the "*Par Avion*" labels mentioned in Article 24 hereafter, as well as the special notations, shall be crossed out by means of two heavy transverse lines.

¹³ For forms (in French) appended to airmail provisions, see 62 Stat. 3292, or p. 137 of TIAS 1850.

ARTICLE 5

Rates and general conditions for acceptance of air-mail correspondence

1. Surcharged air-mail articles are liable, in addition to the regular postage rates, to a special surcharge for air transportation, the amount of which shall be fixed by the Administration of the country of origin. Subject to the provisions of Section 7, the aerial surcharge is also due for air-mail articles which enjoy the franking privilege by virtue of Article 52, Sections 2 to 4 of the Convention.

2. In relations considered as services of class A (Article 14, Section 9, hereafter), letters and post cards, with or without registration or C.O.D. charges, as well as money orders and collection orders, are transported by air without collection of air surcharges if the route to be traversed does not exceed 2,000 kilometers and if their delivery will be advantageously accelerated by air dispatch. The Administrations shall advise one another of the countries for which the dispatches mentioned are sent by air.

3. In relations between countries of Europe, in appropriate cases, the surcharge amounts to 7½ centimes per 20 grams at most regardless of the distance.

4. The maximum amounts of air-transportation surcharges due for each unit of weight of 20 grams and for each air distance of 1,000 kilometers are shown below:

Distances 1	Letters, post cards, money orders and collection orders 2	Other articles of corre- spondence not men- tioned in Column 2 3
CLASS A AIR-MAIL SERVICE		
Up to 2,000 kilometers.....	7½ centimes
Over 2,000 kilometers.....	7½ centimes	7½ centimes
CLASS B AIR-MAIL SERVICE		
All distances.....	15 centimes.....	15 centimes

5. The surcharges fixed according to Section 4 shall be uniform for all the territory of a country of destination, regardless of the route used.

6. For articles other than letters, post cards, money orders and collection orders, the surcharges collected by application of Sections 2 to 5 may be reduced to a minimum of one-fifth.

7. Administrations have the option of not collecting any surcharge for air transportation, on condition that they inform the country of destination and that a previous agreement has been made with the transit countries.

8. The surcharges shall be prepaid at the time of mailing.

9. The surcharge for a reply post card is collected separately for each half at the place of mailing of each of those halves.

10. Air-mail correspondence is prepaid under the conditions fixed by Articles 50 and 51 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, for example: "*Taxe perçue* (postage collected): Dollars cents".

That notation may appear either in a special hand-stamp impression or on a special adhesive stamp or label, or, even, 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-mail correspondence is treated in accordance with the provisions of Articles 37 and 38 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, surcharged air-mail correspondence is sent by air when the postage paid represents at least the amount of the air-mail surcharge. The Administrations of origin have the option of sending such correspondence by air when the postage paid represents at least 25 percent of the amount of the air surcharge.

3. The provisions of Article 38 of the Convention are applicable in regard to the collection of charges not paid at the time of mailing.

4. When surcharged articles mentioned in Section 2 are sent by ordinary means, the office of mailing or the exchange office shall cross out by means of two heavy transverse lines the *Par Avion* label and all notations 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 47 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, addressees may ask the office charged with the delivery to have air-mail correspondence 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 47 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 means ordinarily employed, unless the addressee has expressly requested redirection by air mail and has paid the forwarding office the aerial surcharge for the new route in advance. Undeliverable correspondence is returned to origin by means ordinarily employed.

2. If redirection or return of surcharged correspondence is effected by the ordinary means, the *Par avion* label and all notations relative to transmission by the air route shall be crossed out by means of two heavy transverse lines.

CHAPTER II

REGISTERED OR INSURED ARTICLES

ARTICLE 9

Registered Articles

Registered articles for which a special surcharge for air conveyance has been collected are subject to the postage rates and general conditions for acceptance provided for by the Convention. They are also liable to the same air surcharges as ordinary articles.

ARTICLE 10

Return receipt

Each Administration is authorized to consider the weight of the return receipt form in computing the air 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 through the territory of countries not adhering to the aforesaid Agreement, or passing in transit through air services for which 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

ALLOCATION OF AIR SURCHARGES. TRANSPORTATION CHARGES

ARTICLE 13

Allocation of surcharges

Each Administration retains the whole of the air surcharges which it has collected.

ARTICLE 14

Air-transportation charges for closed mails

1. The provisions of Article 67 of the Convention concerning transit charges apply to air-mail correspondence only for its transmission, if any, by land or sea.

2. The air-transportation charges for air-mail articles sent in closed dispatches are collectible from the Administration of the country of origin.

3. Every Administration which assures the transportation of air-mail correspondence by the air route, as intermediate Administration, is entitled, on that account, to payment of transportation charges. Such 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.

4. Transportation charges must also be paid for transportation within the country of destination. The 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.

5. 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.

6. With the exceptions provided for in Sections 7 and 8 following, the air-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.

7. An Administration which delivers to an air-transport enterprise mails intended for conveyance by several separate air services in succession may, if it has so 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 6.

8. By exception to the provisions of Sections 6 and 7, every Administration maintaining an air service is entitled to collect directly from each Administration utilizing such service the transportation charges for the whole route.

9. The basic rates to be applied in the settlement of accounts between Administrations for air transportation are fixed per gross kilogram and per kilometer as follows:

(a) European air services and other services whose operating costs are similar (class A): 3 thousandths of a franc at most;

(b) Services whose maintenance requires higher costs (class B): 6 thousandths of a franc at most.

10. The transportation rates specified in Section 9 are applied proportionally to fractions of a kilogram. The dispatches or articles conveyed by the domestic service of the countries of destination are subject to the rate applicable to class A services, unless the corresponding countries agree not to collect any payment for such transportation.

11. 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 services of class B, the intermediate Administration may require reimbursement of the transportation charges. The accounting for the air transportation charges then takes place according to Article 21, Sections 1 and 3 of the Provisions.

12. Administrations of countries flown over have no right to any compensation for dispatches transported by air over their territory.

ARTICLE 15

Transportation charges for air-mail 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 5 and 9 to 11. However, when the territory of the country of destination of such correspondence is served

by an air route making several stops on that territory, the transportation charges are calculated on the basis of an average rate proportionate to the tonnage of mail unloaded at each stop.

2. In order to determine the transportation charges, the net weight of such articles is increased by 10 percent.

3. 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 air distance.

CHAPTER IV

INTERNATIONAL BUREAU

ARTICLE 16

Communications to be addressed to the International Bureau and to the Administrations

1. The Administrations shall communicate to the International Bureau, on the forms sent to them by the latter, the necessary information concerning the operation of the air-mail service. This information includes particularly:

(a) The listing of domestic and international lines which are at the disposal of other Administrations for the conveyance of air-mail articles in closed or open mails (number and route, length in kilometers, the average distance based on Article 14, Section 4 for the domestic lines, class A or B services, company, etc.);

(b) Transportation charges per kilogram due from the Administrations making use of such lines;

(c) Air surcharges collected by each Administration for the various classes of air-mail correspondence and for the various countries;

(d) The decisions of each Administration relative to the option whether or not certain of the Air Mail Provisions should be applied.

2. The International Bureau publishes once a year, in June, a general list of information concerning the air mail services from the facts thus collected, which is distributed among the Administrations. Any modifications to be made in the information furnished or in the general list shall be communicated to the International Bureau by air mail without delay.

3. The International Bureau is also charged with the preparation and distribution of maps showing the lines of domestic and international air-mail communications of all countries, as well as a list showing the schedules of each country's domestic and international air lines and the deadline by which the planes should arrive at the airports to permit mail to be delivered that day.

4. Any modifications in the publications mentioned in Sections 2 and 3 are communicated to the Administrations by means of Supplements.

5. Regardless of the foregoing, the Administrations may agree to advise each other directly, in advance of each scheduled period, as to the facts and schedules concerning the air lines which particularly interest them, as provisional information.

6. Administrations which utilize air-mail communications for the transportation of their own ordinary mails shall so inform the other Administrations of the Union through the intermediary of the International Bureau, advising them at the same time of the effective date when use of such communications is inaugurated, the connections thus made available, as well as all changes made therein.

CHAPTER V

ACCOUNTING. SETTLEMENT OF ACCOUNTS

ARTICLE 17

Accounting statistics

1. Unless exception is made due to circumstances, the general accounting for air-transportation charges is effected in accordance with statistical tables prepared during the seven days following the 14th of May and the 14th of November of each year. The results of the May statistics form the basis for the payments due for the months from May to October; those of November are used for the months from November to April.

2. Statistics concerning services which do not operate during the regular statistical periods are prepared after agreement between the Administrations concerned.

3. As concerns services of class B, the Administration charged with the transportation by air has the option of requesting that the settlement of accounts be made monthly or quarterly, 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 in question. In such a case, the provisions of Articles 19, 21 and 22 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, taking account of the date of dispatch indicated by the office of origin.

ARTICLE 18

Preparation of ordinary or air-mail dispatches during the statistical periods for air-mail transportation charges

The provisions of Article 153 of the Regulations of Execution of the Convention do not apply to the semiannual statistics for the fixing of air-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, the gross weight and the number 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. 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*], 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.

3. In the event 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 bills conforming to Form A V 2 hereto appended, one for the ordinary articles and another for the registered articles. The weight of the correspondence in transit in open mail is indicated separately for each country of destination or for groups of countries for which the transportation charges are uniform. In relations between countries which have agreed not to collect any payment for redispach by their domestic air service, the weight of the articles in open mail for the country of destination itself is not indicated. The letter bill is marked "*Bordereau A V 2*". Transit countries have the option of requesting the use of special bills A V 2 showing the most important countries and air lines in a fixed order. When the accounts for the air transport charges are not prepared on the basis of the statistical statements (services of class B, exceptional circumstances), the bills A V 2 shall be numbered specially in a continuous annual series.

4. The 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 bill 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 the 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 valid.

5. The absence of bill A V 2 does not authorize the transit country to redispach the air-mail articles by surface means. Retransmission by air must

be assured. If necessary, the bill A V 2 is prepared and the irregularity is reported by a bulletin C 14 drawn against the office of origin.

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 18, 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 conforming to Form A V 3 hereto appended, of the weights indicated on the labels or outside addresses of the air-mail dispatches which they have forwarded by the air route, either within the limits of their domestic network 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 conforming to Form A V 4 hereto appended is prepared in accordance with the indications appearing on the bills 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 forwarding 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 three weeks after the close of statistical operations, the statements A V 3 and A V 4 are sent in duplicate to the dispatching exchange offices for acceptance. The 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 two months, counting from the date of transmittal, the statements are considered as automatically accepted. In relations between distant countries, the period is extended to three months.

ARTICLE 22

Air-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 prepared on a form in accordance with Form A V 5 hereto appended and showing, in francs, the transportation charges due to each Administration for the current six-month period.

2. The duty of preparing the 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 two months, counting from the date of transmittal, such accounts are considered as automatically accepted. In relations between distant countries, this period is extended to three months.

ARTICLE 23

General account

In the absence of contrary agreement between the Administrations concerned, the general account of air-transportation charges is prepared twice a year by the International Bureau, in accordance with the rules fixed for the transit-charge account.

CHAPTER VI

MISCELLANEOUS PROVISIONS

ARTICLE 24

Designation of air-mail correspondence

Surcharged 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

1. 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.

2. The Administrations concerned agree as to the special notation to be placed on the sack labels of the closed mails containing unsurcharged air-mail articles.

ARTICLE 26

Method of dispatching air-mail correspondence

1. The provisions of Articles 145, Section 2, letter (a), and 147 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 notation *Par Avion* (by air mail).

2. 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 3 of the aforesaid Article 147 for the note *Exprès* (special delivery).

3. 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.

4. 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*.

5. 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

Waybills and delivery lists of dispatches

1. Dispatches to be delivered to the airport shall be accompanied by a yellow waybill and a white delivery list, in accordance with Forms A V 6 and A V 7 hereto appended.

2. One copy of the waybill signed by the representative of the air company is kept by the dispatching office; a second copy, delivered to the pilot, accompanies the dispatches.

3. A delivery list, prepared for each stop on the route, is placed in a folder with compartments, the first compartment being reserved for the postal waybill and the others for the delivery lists, one for each stop in their proper sequence.

ARTICLE 28

Transfer of air-mail 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 through the intermediary of the Administration of the country where the transshipment takes place. The rule does not apply when the transfer is made between aircraft covering the successive sections of one and the same service.

ARTICLE 29

Notations 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 men-

tioned in Article 24. The same label or imprint is affixed to the labels or addresses of such dispatches. The number of the dispatches shall be shown on the labels or addresses of such dispatches.

ARTICLE 30

Customs clearance of dutiable correspondence

The Administrations take steps to accelerate, as far as possible, the customs clearance of dutiable air-mail correspondence.

ARTICLE 31

Return of empty air-mail sacks

1. Air-mail sacks shall be returned empty to the Administration of origin by surface means. When there are as many as ten at least, special dispatches thereof shall be prepared between air-mail exchange offices designated for that purpose; such dispatches shall be labeled "*Sacs vides*" (Empty sacks) and numbered according to an annual series. The letter bill shows the number of sacks returned to the country of origin.

2. The provisions of Sections 5 and 6 of Article 151 of the Regulations of the Convention shall apply to empty air-mail sacks.

ARTICLE 32

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 as regards everything which is not expressly regulated by the foregoing Articles.

ARTICLE 33

Effective date and duration of the Provisions adopted

1. The present Provisions will be put into force from the effective date of the Convention.

2. They will have the same duration as the Convention, unless they are renewed by mutual agreement between the parties concerned.

Done at Paris, July 5, 1947.

For Afghanistan:
ISLAM BAY KHAN
A. KAYOUM

For the Union of South Africa:
L. C. BURKE

For Albania:
KAHREMAN YLLI

For Germany:

For the United States of America:
JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For all the possessions of the United States of America:

JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For the Kingdom of Saudi Arabia:
HAFIZ WAHBA

For the Republic of Argentina:
For Oscar L. Nicolini:
D. B. CANALLE
D. B. CANALLE
ROQUE DE ZERBI

For the Commonwealth of Australia:
L. B. FANNING
W. G. WRIGHT

For Austria:
DR. RUDOLPH KUHN

For Belgium:
STAPPAERTS
O. SCHOCKAERT
J. CARÈME

For the Colony of the Belgian Congo:
L. WÉRY

For the Byelorussian Soviet Socialist Republic:
KOSSOV

For Bolivia:
A. COSTA DU RELS

For Brazil:
RAUL DE ALBUQUERQUE
CARLOS LUIS TAVEIRA
MOACYR BRIGGS
JULIO SANCHEZ PEREZ

For the People's Republic of Bulgaria:
G. GHEORGHIEFF
A. COHENOV

For Canada:
W. J. TURNBULL
E. J. UNDERWOOD
L. GERMAIN

For Chile:
PEDRO EYZAGUIRRE

For China:
T. TAI

For the Republic of Colombia:
L. BORDA ROLDAN
ROBERTO ARCINIEGAS
JORGE PEREZ JIMENO

For Korea:

For Costa Rica:

For the Republic of Cuba:
S. I. CLARK
EVELIO C. JUNGOSA
JESÚS LAGO LUNAR

For Denmark:
ARNE KROG
J. E. T. ANDERSEN

For the Dominican Republic:
DR. M. PASTORIZA
S. E. PARADAS

For Egypt:
AHMED MAMDOUH MOUSI BEY
MOAWAD KHALIL BIAHAI
ANOUAR BAKIR

For the Republic of El Salvador:
R. BUSTAMANTE
A. SOLER-SERRA

For Ecuador:
A. PARRA V.

For Spain:

For all the Spanish Colonies:

For Ethiopia:
TESFAIE TEGUEGN

For Finland:
JOHAN HELO
URHO TALVITIE
TAUNO PUOLANNE

For France:
LE MOUËL
ALBERT LAMARLE
USCLAT
BERNARD
DESMARAIS
DROUET
G. BOURTHOUMIEUX

For Algeria:
A. LABROUSSE
H. GRAS

For Indochina:
SKINAZI

For all the other overseas territories of the French Republic and territories administered as such:
SKINAZI

For the United Kingdom of Great Britain and Northern Ireland:

D. J. LIDBURY
W. H. WEIGHTMAN
R. H. LOCKE
A. L. WILLIAMS
E. P. BELL
A. WOLSTENCROFT

For all the British overseas territories, including colonies, protectorates, and the territories under mandate or under trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland:

D. J. LIDBURY
W. H. WEIGHTMAN
R. H. LOCKE
A. L. WILLIAMS
E. P. BELL
A. WOLSTENCROFT

For Greece:

D. VERNARDOS
TH. BREDIMAS

For Guatemala:

E. MUNOZ MEANY

For the Republic of Haiti:

PLACIDE DAVID

For the Republic of Honduras:

R. A. BUSTAMANTE
A. SOLER-SERRA

For Hungary:

MODOS ELEMÉR

For India:

K. PRASADA
C. V. CUNNINGHAM
S. A. SIDDIQI
S. N. DAS GUPTA
N. CHANDRA

For Iran:

H. HEDJAZI
I. DARSA

For Iraq:

J. HAMDI
BEHER FAIK

For Ireland:

S. S. PUIRSÉAL
S. Ó. H. ÉIRAMHOIN

For the Republic of Iceland:

MAGNES JOCHUMSSON

For Italy:

MUSUMECI GIOVANNI
ANTONIO PENNETTA
PAOLO NOVI

For Japan:

For Lebanon:

G. NAMMOUR

For the Republic of Liberia:

For Luxembourg:

E. RAUS

For Morocco (excluding the Spanish Zone):

L. PERNOT
HUMBERTCLAUDE

For Morocco (Spanish Zone):

For Mexico:

E. VILLASEÑOR
LAURO RAMIREZ

For Nicaragua:

For Norway:

STEN HAUG
INGV. LID
HAKON ERIKSEN

For New Zealand:

P. N. CRYER

For the Republic of Panama:

C. ARROCHA GRAELL
ELIGIO OCAÑA V.

For Paraguay:

For Oscar L. Nicolini:
D. B. CANALLE
DOMINGO B. CANALLE
ROQUE DE ZERBI

For the Netherlands:

V. GOOR
HOFMAN

For Curaçao and Surinam:

V. GOOR
HOFMAN

For the Netherlands Indies:

P. DIJKWEL
C. C. VAN DILLEWIJN

For Peru:

For Arturo Garcia-Salazar:
CARLOS MACKENHENIE
CARLOS MACKENHENIE
ERNESTO CÁCERES

- For the Republic of the Philippines:
F. CUADERNO
BELARMINO P. NAVARRO
- For Poland:
B. BLAŽEK
T. JARÓN
M. HERWICH
- For Portugal:
DUARTE CALHEIROS
JORGE BRAGA
A. BASTOS GAVIÃO
J. C. QUADRIO MORÃO
- For the Portuguese Colonies in West Africa:
DOMINGOS ANTONIO DA PIEDADE BARRETO
JOAQUIM ARNALDO ROGADO QUINTINO
- For the Portuguese Colonies in East Africa, Asia, and Oceania:
DOMINGOS ANTONIO DA PIEDADE BARRETO
LUÍS CÂNDIDO TAVEIRA
- For Romania:
R. ROSCA
I. NICOLAU
- For the Republic of San Marino:
R. FACCHIN
- For Siam:
YIM PHUNG PHRAKHUM
- For Sweden:
GUNNAR LAGER
ALLEN HULTMAN
TURE NYLUND
- For the Swiss Confederation:
F. J. HESS
TUASON
PH. ZUTTER
CHAPPUIS
H. GRAF
- For Syria:
ADIB DAOUDI
- For Czechoslovakia:
STANISLAV KONECNY
FR. HOFNER
MIROSLAV SOUKUP
Dr. FRANT. NORMAN
- For the Hashemite Kingdom of Trans-Jordan:
- For Tunisia:
MACHABEY
- For Turkey:
I. BESEN
- For the Ukrainian Soviet Socialist Republic:
N. STASS
- For the Union of Soviet Socialist Republics:
P. SARATOVKIN
N. STASS
N. BOUGHOUEV
D. ERIGIN
- For the Oriental Republic of Uruguay:
M. AGUERRE ARISTEGUI
- For the Vatican City State:
EGIDIO VAGNOZZI
A. SELME
- For the United States of Venezuela:
PABLO CASTRO BECERRA
F. VÉLEZ SALAS
- For Yemen:
- For the People's Federative Republic of Yugoslavia:
VLADIMIR ŠENK

FINAL PROTOCOL OF THE PROVISIONS CONCERNING THE TRANSPORTATION
OF REGULAR MAILS BY AIR

I

Air-transportation charges for closed mails

Exceptionally, the Administrations have the option of applying the rates of Class B for each segment of their domestic air-mail network, provided that the Administrations concerned are informed thereof.

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. In that case, the surcharge is fixed in accordance with the unit of weight adopted.

III

Exceptional surcharges

1. Exceptionally, the Administrations have the option of applying to the air correspondence mentioned in Article 5, Section 2, a special air surcharge which may not exceed 7½ centimes per 20 grams and per 1,000 kilometers.

2. European Administrations which take advantage of the option provided in Section 1 and which, due to the geographical position of their countries, find it difficult to adopt a uniform surcharge for all of Europe, are authorized to collect surcharges in proportion to the distances, in accordance with the provisions of Article 5, Section 4.

3. That option is also granted to other European countries for their relations with the countries mentioned in Section 2.

4. In consideration of the special geographical position of the Union of Soviet Socialist Republics, the Administration of that country reserves the right to apply a uniform surcharge over the entire territory of the Union of Soviet Socialist Republics, for all the countries of the world. The surcharge shall not exceed the actual costs occasioned by the transportation of the correspondence by air.

Done at Paris, July 5, 1947.

For Afghanistan:

ISLAM BAY KHAN
A. KAYOUM

For the Union of South Africa:

L. C. BURKE

For Albania:

KAHREMAN YLLI

For Germany:

For the United States of America:

JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For all the possessions of the United States of America:

JOHN J. GILLEN
For Frank Pace, Jr.:
JOHN J. GILLEN
EDWARD J. MAHONEY
FREDERICK E. BATRUS

For the Kingdom of Saudi Arabia:

HAFITZ WAHBA

For the Republic of Argentina:

For Oscar L. Nicolini:
D. B. CANALLE
D. B. CANALLE
ROQUE DE ZERBI

For the Commonwealth of Australia:

L. B. FANNING
W. G. WRIGHT

- For Austria:
DR. RUDOLF KUHN
- For Belgium:
STAPPAERTS
O. SCHOCKAERT
J. CARÊME
- For the Colony of the Belgian Congo:
L. WERY
- For the Byelorussian Soviet Socialist Republic:
Kossov
- For Bolivia:
A. COSTA DU RELS
- For Brazil:
RAUL DE ALBUQUERQUE
CARLOS LUIS TAVEIRA
MOACYR BRIGGS
JULIO SANCHEZ PEREZ
- For the People's Republic of Bulgaria:
G. GHEORGHIEFF
A. COHENOV
- For Canada:
W. J. TURNBULL
E. J. UNDERWOOD
L. GERMAIN
- For Chile:
PEDRO EYZAGUIRRE
- For China:
T. TAI
- For the Republic of Colombia:
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ROBERTO ARCINIEGAS
JORGE PEREZ JIMENO
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- For Costa Rica:
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- For Denmark:
ARNE KROG
J. E. T. ANDERSEN
- For the Dominican Republic:
DR. M. PASTORIZA
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- For the Republic of El Salvador:
R. BUSTAMANTE
A. SOLER-SERRA
- For Ecuador:
A. PARRA V.
- For Spain:
- For all the Spanish Colonies:
- For Ethiopia:
TESFAIE TEGUEGN
- For Finland:
JOHAN HELO
URHO TALVITIE
TAUNO PUOLANNE
- For France:
LE MOUËL
ALBERT LAMARLE
USCLAT
BERNARD
DESMARAIS
DROUET
G. BOURTHOUMIEUX
- For Algeria:
A. LABROUSSE
H. GRAS
- For Indochina:
SKINAZI
- For all the other overseas territories of the French Republic and territories administered as such:
SKINAZI
- For the United Kingdom of Great Britain and Northern Ireland:
D. J. LIDBURY
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R. H. LOCKE
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- For all of the British overseas territories, including colonies, protectorates, and the territories under mandate or under trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland:
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- For Guatemala:
E. MUNOZ MEANY
- For the Republic of Haiti:
PLACIDE DAVID
- For the Republic of Honduras:
R. A. BUSTAMANTE
A. SOLER-SERRA
- For Hungary:
MODOS ELEMÉR
- For India:
K. PRASADA
C. V. CUNNINGHAM
S. A. SIDDIQI
S. N. DAS GUPTA
N. CHANDRA
- For Iran:
H. HEDJAZI
I. DARSA
- For Iraq:
J. HAMDI
BEHER FAIK
- For Ireland:
S. S. PUIRSÉAL
S. Ó. H. ÉIRAMHOIN
- For the Republic of Iceland:
MAGNES JOCHUMSSON
- For Italy:
MUSUMECI GIOVANNI
ANTONIO PENNETTA
PAOLO NOVI
- For Japan:
- For Lebanon:
G. NAMMOUR
- For the Republic of Liberia:
- For Luxembourg:
E. RAUS
- For Morocco (excluding the Spanish Zone):
L. PERNOT
HUMBERTGLAUDE
- For Morocco (Spanish Zone):
- For Mexico:
E. VILLASEÑOR
LAURO RAMIREZ
- For Nicaragua:
- For Norway:
STEN HAUG
INGV. LID
HAKON ERIKSEN
- For New Zealand:
P. N. CRYER
- For the Republic of Panama:
C. ARROCHA GRAELL
ELIGIO OCAÑA V.
- For Paraguay:
For Oscar L. Nicolini:
D. B. CANALLE
DOMINGO B. CANALLE
ROQUE DE ZERBI
- For the Netherlands:
V. GOOR
HOFMAN
- For Curaçao and Surinam:
V. GOOR
HOFMAN
- For the Netherlands Indies:
P. DIJKWEL
C. C. VAN DILLEWIJN
- For Peru:
For Arturo Garcia-Salazar:
CARLOS MACKENHENIE
CARLOS MACKENHENIE
ERNESTO CÁCERES
- For the Republic of the Philippines:
F. CUADERNO
BELARMINO P. NAVARRO
- For Poland:
B. BLAŽEK
T. JARÓN
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R. FACCHIN
- For Siam:
YIM PHUNG PHRAKHUM
- For Sweden:
GUNNAR LAGER
ALLEN HULTMAN
TURE NYLUND
- For the Swiss Confederation:
F. J. HESS
TUASON
PH. ZUTTER
CHAPPUIS
H. GRAF
- For Syria:
ADIB DAUDI
- For Czechoslovakia:
STANISLAV KONECNY
FR. HOFNER
MIROSLAV SOUKUP
DR. FRANT. NORMAN
- For the Hashemite Kingdom of Trans-
Jordan:
- For Tunisia:
MACHABEY
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I. BESEN
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- For the Union of Soviet Socialist
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P. SARATOVKIN
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D. ERIGIN
- For the Oriental Republic of Uruguay:
M. AGUERRE ARISTEGUI
- For the Vatican City State:
EGIDIO VAGNOZZI
A. SELME
- For the United States of Venezuela:
PABLO CASTRO BECERRA
F. VÉLEZ SALAS
- For Yemen:
- For the People's Federative Republic of
Yugoslavia:
VLADIMIR SENK

[For forms appended to the airmail provisions, see 62 Stat. 3292 or TIAS 1850, p. 137.]

LIQUIDATION OF GERMAN PROPERTY IN ITALY

*Memorandum of understanding signed at Washington August 14, 1947,
with annexes*

Entered into force August 14, 1947

*Superseded by memorandum of understanding of March 29, 1957,¹
with regard to provisions not consistent with later memorandum*

61 Stat. 3292; Treaties and Other
International Acts Series 1664

MEMORANDUM OF UNDERSTANDING

Between the Governments of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on the one hand, and the Government of Italy on the other hand, regarding German assets in Italy.

With reference to Article 77, paragraph 5, of the Treaty of Peace with Italy,² the Government of Italy on the one hand and the Governments of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on the other hand have entered into the following understanding, including the Annexes attached hereto and made a part of this Memorandum of Understanding, with respect to German assets of whatsoever nature in Italy:

1. The Government of Italy will take appropriate measures to ascertain what German assets in Italy are not presently under administration.
2. The Government of Italy will take all necessary measures to effect the prompt sale or liquidation of all assets in Italy belonging directly or indirectly to (a) German individuals in Germany or corporations or other organizations organized under the laws of Germany; (b) the German state and German municipalities and state, federal, municipal, or other governmental authorities; (c) German Nazi organizations; and (d) German individuals already repatriated or to be repatriated to Germany. Exceptions to these categories should be made in the case of (a) assets of individuals deprived of life or substantially deprived of liberty pursuant to any law, decree, or regulation dis-

¹ 8 UST 445; TIAS 3797.

² TIAS 1648, *ante*, p. 311.

criminating against political, racial, or religious groups; (b) assets belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes; (c) assets of a corporation or any other organization organized under the laws of Germany to the extent that they are not beneficially German-owned; (d) assets released under an intercustodial agreement with another government; and (e) assets coming within the jurisdiction of Italy as a result of resumption of trade with Germany. The term "Germany" shall be defined as the Germany within the boundaries of that country as of December 31, 1937. Action with respect to German-owned trademarks and patents shall be held in abeyance pending separate representations.

3. The Government of Italy will dispose of German assets only to non-German nationals and with maximum safeguards to insure against their eventual return to German ownership or control.

4. The Government of Italy will credit the proceeds of liquidation of the assets to a special account to be held for such disposition as may subsequently be determined in accordance with Article 77, paragraph 5, of the Treaty of Peace with Italy.

5. The Government of Italy will execute the foregoing in collaboration with the Governments of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. To insure such collaboration, there will be established a Committee composed of one representative of each of the four Governments, which will meet at or near the seat of the Government of Italy. Chairmanship of this Committee will be rotated among the members in an order determined by the Committee. This Committee will operate by majority vote, establish its own rules of procedure, and take all action necessary to carry out the following functions:

A. To instruct the Agency of the Government of Italy charged with administering the program for control and liquidation of German assets in Italy as to policies and procedures to be followed in such program; such instruction to include, but not by way of limitation:

(1) Direction in the techniques and procedures for obtaining a census of all German assets in Italy;

(2) Direction that investigations be made in particular cases by the Agency with a view to uncovering hidden or cloaked German assets in Italy. In conjunction therewith the Committee shall place at the disposal of the Agency all available information and documentary evidence likely to facilitate the accomplishment of its task;

B. To review in advance of consummation all sales of German assets to insure that the proposed sales are in accord with the national interests of the four Governments, taking into account the objectives of precluding the

return of German external assets to German ownership or control and of favoring freedom of trade.

6. The Committee may determine that the expenses, or any part of them, incurred by it, except the expenses of the respective representatives on the Committee, shall be a charge on the proceeds of such assets.

7. The Agency will keep the Committee fully informed of the Agency's activities. It will furnish to the Committee all information requested concerning the census and status of German assets, and in particular it will seek the instructions of the Committee before making any decisions materially affecting the status of German assets under its administration.

8. The Agency will formulate the terms and conditions of sale or other disposition of German property, subject to review by the Committee.

9. This Memorandum of Understanding shall enter into force upon the day it is signed.

Done at Washington in quadruplicate in the English, French and Italian languages, each of which shall have equal validity, this 14th day of August, 1947.

For the Government of France:
FRANCIS LACOSTE

For the Government of the United
States of America:
ROBERT A. LOVETT

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
J. H. MAGOWAN

For the Government of Italy:
LOMBARDO

ANNEX 1

For the purposes of this understanding the term "asset" as used herein refers, but not by way of limitation, to any real property or interest therein, enterprise (commercial, industrial, financial, or scientific), security or interest therein, corporate and contractual licenses and arrangements, insurance policies and reinsurance contracts, bank accounts and deposits, including trusteeship accounts, safe deposit boxes, vaults, checks, drafts, credits, gold and other precious metals, options and any other types of arrangements and undertakings, written or unwritten.

ANNEX 2

Any dispute concerning the interpretation or execution of this understanding, which is not settled by direct diplomatic negotiations, shall be referred to a body composed of one representative each of the Governments of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Any such dispute not resolved by them within a period of two months shall, unless the parties to the dispute mutually agree upon another means of settlement, be referred at the request of either party to the

dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol prolonging agreement of May 6, 1937, signed at London
August 29, 1947*¹

Senate advice and consent to ratification April 28, 1948

Ratified by the President of the United States May 14, 1948

Ratification of the United States deposited at London May 25, 1948

*Entered into force September 1, 1947; for the United States May 25,
1948, operative from September 1, 1947*

Proclaimed by the President of the United States June 1, 1948

62 Stat. 1654; Treaties and Other
International Acts Series 1755

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 further Protocols signed in London on the 31st August, 1944,⁴ the 31st August, 1945,⁵ and the 30th August, 1946,⁶ it was agreed that, subject to the provisions of Article 2 of the said Protocols, the Agreement should continue in force between the Governments signatory thereof for periods of one year terminating on the 31st August, 1945, the 31st August, 1946, and the 31st August, 1947, respectively;

¹ The sugar agreement was further prolonged by a protocol of Aug. 31, 1948 (TIAS 1997, *post*, p. 759).

² TS 990, *ante*, vol. 3, p. 388.

³ TS 990, *ante*, vol. 3, p. 722.

⁴ TS 990, *ante*, vol. 3, p. 899.

⁵ TIAS 1523, *ante*, vol. 3, p. 1523.

⁶ TIAS 1614, *ante*, p. 142.

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 situation, 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, 1947.

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 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 29th August, 1947, and shall remain open for signature until the 30th September, 1947; provided however that any signatures appended after the 30th August, 1947, 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 29th day of August, 1947, 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:
JOHN A. BEASLEY

- For the Government of Belgium:
G. WALRAVENS
- For the Government of Brazil:
MONIZ DE ARAGÃO
- For the Government of Cuba:
MIGUEL ANTONIO RIVA
- For the Government of Czechoslovakia:
B. G. KRATOCHVIL
- For the Government of the Dominican Republic:
EMILIO ZELLER
- For the Government of the French Republic:
J. C. H. DE SAILLY
- For the Government of the United Kingdom of Great Britain and Northern Ireland:
T. G. JENKINS
- For the Government of Hayti:
STEPHEN ALEXIS
- For the Government of the Netherlands:
A. BENTINGK
- For the Government of Peru:
FERNANDO BERCKEMEYER
- For the Government of the Republic of the Philippines:
J. M. ELIZALDE
- For the Government of Poland:
A. SZEMINSKI
- For the Government of Portugal:
MIGUEL D'ALMEIDA PILE
- For the Government of the Union of Soviet Socialist Republics:
- For the Government of the United States of America:
L. W. DOUGLAS
Subject to ratification
- For the Government of the Federal People's Republic of Yugoslavia:
DR. FRANG KOS

RECIPROCAL ASSISTANCE (RIO TREATY)

Treaty opened for signature at Rio de Janeiro September 2, 1947, and signed for the United States September 2, 1947

Senate advice and consent to ratification December 8, 1947

Ratified by the President of the United States December 12, 1947

Ratification of the United States deposited with the Pan American Union December 30, 1947

Entered into force December 3, 1948

Proclaimed by the President of the United States December 9, 1948

62 Stat. 1681; Treaties and Other
International Acts Series 1838

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

Considering:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace,¹ which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning

¹ Act of Chapultepec, approved at México Mar. 6, 1945 (TIAS 1543, *ante*, vol. 3, p. 1024).

the "Inter-American Peace System" envisaged in Resolutions IX² and XXXIX³ of the Inter-American Conference on Problems of War and Peace,

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security,

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

ARTICLE 1

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

ARTICLE 2

As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

ARTICLE 3

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.⁴

² TIAS 1548, *ante*, vol. 3, p. 1028.

³ *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21-March 8, 1945* (U.S. Government Printing Office, 1946), p. 107.

⁴ TS 993, *ante*, vol. 3, p. 1165.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

ARTICLE 4

The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

ARTICLE 5

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

ARTICLE 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggres-

sion which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

ARTICLE 7

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the *statu quo ante bellum*, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.

ARTICLE 8

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radio-telegraphic communications; and use of armed force.

ARTICLE 9

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

- a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;
- b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

ARTICLE 10

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

ARTICLE 11

The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

ARTICLE 12

The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

ARTICLE 13

The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

ARTICLE 14

In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

ARTICLE 15

The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.

ARTICLE 16

The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an absolute majority of the Members entitled to vote.

ARTICLE 17

The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty.

ARTICLE 18

In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in two preceding Articles.

ARTICLE 19

To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.

ARTICLE 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

ARTICLE 21

The measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established.

ARTICLE 22

This Treaty shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited.

ARTICLE 23

This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan American Union, which shall notify the Signatory States of each deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 24

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratifications.

ARTICLE 25

This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall inform all the other High Contracting Parties of each notification of denunciation received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force and ⁵ with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties.

ARTICLE 26

The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Treaty on

⁵ The equivalent of the word "and" does not appear in the French, Portuguese, or Spanish texts.

behalf of their respective Governments, on the dates appearing opposite their signatures.

Done in the city of Rio de Janeiro, in four texts respectively in the English, French, Portuguese and Spanish languages, on the second of September nineteen hundred forty-seven.

Reservation of Honduras:

The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitively demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the twenty third of December of nineteen hundred and six.

For the Dominican Republic:

A. DESPRADEL
DR. L. F. THOMEN
TULIO M. CESTERO
R. PÉREZ ALFONSECA
ROBERTO DESPRADEL
PORFIRIO HERRERA BÁEZ
E. RODRÍGUEZ DEMORIZI
JOAQUÍN BALAGUER
September 2, 1947

For Guatemala:

C. LEONIDAS AGEVEDO
I. GONZÁLEZ ARÉVALO
FRANCISCO GUERRA MORALES
M. GALICH
September 2, 1947

For Costa Rica:

LUIS ANDERSON
MÁXIMO QUESADA P.
September 2, 1947

For Peru:

E. GARCÍA SAYÁN
MANUEL G. GALLAGHER
V. A. BELAÜNDE
LUIS FERNÁN CISNEROS
H. C. BELLIDO
September 2, 1947

For El Salvador:

ERNESTO A. NÚÑEZ
C. A. ALFARO
M. A. ESPINO
G. TRIGUEROS H.
September 2, 1947

For Panama:

R. J. ALFARO
J. E. LEFEVRE
September 2, 1947

For Paraguay:

FEDERICÓ CHAVEZ
RAÚL SAPENA PASTOR
JOSÉ A MORENO GONZÁLEZ
R. ROLÓN
JOSÉ ZACARIAS ARZA
September 2, 1947

For Venezuela:

CARLOS MORALES
MA. PÉREZ GUEVARA
D. GÓMEZ MORA
E. ARROYO LAMEDA
EDUARDO PLAZA A.
SANTIAGO PÉREZ P.
A. OTÁÑEZ
L. F. LLOVERA PÁEZ
RAÚL CASTRO GOMEZ
September 2, 1947

For Chile:

GERMÁN VERGARA D.
ENRÍQUE CAÑAS F.
EMILIO EDWARDS
E. E. GUZMÁN F.
A. M. PINTO
E. BERNSTEIN
September 2, 1947

For Honduras:

JULIAN R. CACERES
ANGEL C HERNÁNDEZ
M. A. BATRES
September 2, 1947

For Cuba:

GMO. BELT
GAB. LANDA
September 2, 1947

For Bolivia:

LUIS GUACHALLA
JOSÉ GIL S.
DAVID ALVÉSTEGUI
A. VIRREIRA PACCIERI
September 2, 1947

For Colombia:

DOMINGO ESGUERRA
GONZALO RESTREPO JARAMILLO
ANTONIO ROCHA
EDUARDO ZULETA
JUÁN URIBE CUALLA
FRANCISCO UMAÑA BERNAL
JULIO ROBERTO SALAZAR FERRO
AUGUSTO RAMÍREZ MORENO
JOSÉ JOAQUÍN CAICEDO CASTILLA
September 2, 1947

For Mexico:

J. TORRES BODET
A. VILLALOBOS
R. CÓRDOVA
P. CAMPOS ORTIZ
D. MIRANDA
JOSE GOROSTIZA
JOSE LÓPEZ B.
September 2, 1947

For Haiti:

EDME TH. MANIGAT
C. KERNISAN
A. LEVELT
JACQUES LÉGER
September 2, 1947

For Uruguay:

MATEO MARQUES CASTRO
DARDO REGUES
E. E. BUERO
ALBERTO DOMÍNGUEZ CÁMPORA
CYRO GIAMBRUNO
ANTONIO GUSTAVO FUSCO
JOSÉ A. MORA OTÉRO
JUAN F. GUICHÓN
GABRIEL TERRA
September 2, 1947

For the United States of America:

G. C. MARSHALL
ARTHUR H. VANDENBERG
TOM CONNALLY
WARREN R. AUSTIN
SOL BLOOM
WILLIAM D. PAWLEY
September 2, 1947

For Argentina:

JUAN ATILO BRAMUGLIA
O. IVANISSEVICH
ENRIQUE COROMINAS
R. A. ARES
P. LA ROSA
NICOLAS C. ACCAME
September 2, 1947

For Brazil:

RAUL FERNANDES
P. GOÉS MONTEIRO
HILDEBRANDO ACCIOLY
A. PENNA JR.
JOSÉ EDUARDO DO PRADO KELLY
EDMUNDO DA LUZ PINTO
LEVI CARNEIRO
September 2, 1947

[The treaty was signed for Nicaragua on October 15, 1948, with a reservation which reads in translation as follows: "The Delegate of Nicaragua, on signing the present Treaty, and in connection with the reservation made by the delegation of Honduras, when signing it, and with the provisions of article 9, paragraph b), does so with the reservation that the frontier between Nicaragua and Honduras is not definitively demarcated, from the point known as Portillo de Teotecacinte to the Atlantic Ocean, by reason of the Royal Award enunciated by His Majesty the King of Spain on the twenty-third day of December of the year One Thousand Nine Hundred and Six having been impugned and protested by Nicaragua as non-existent, null and void. Consequently, the signing of this Treaty by Nicaragua shall not be alleged as an acceptance of any arbitral decisions which Nicaragua has impugned and the validity of which has not been determined."

The treaty was signed for Ecuador on November 10, 1949, with a statement which reads in translation as follows: "The Republic of Ecuador signs the present Inter-American Treaty of Reciprocal Assistance without reservation because it understands that other instruments and the principles of International Law do not prevent the revision of treaties, either by agreement between Parties, or by other peaceful means embodied in International Law."]

COFFEE (INTER-AMERICAN)

Protocol signed at Washington October 1, 1947, modifying and extending the agreement of November 28, 1940, as modified and amended

Senate advice and consent to ratification April 28, 1948

Ratified by the President of the United States May 14, 1948

Ratification of the United States deposited with the Pan American Union May 24, 1948

Entered into force October 1, 1947; for the United States May 24, 1948, operative from October 1, 1947

Proclaimed by the President of the United States June 9, 1948

Expired September 30, 1948

62 Stat. 1658; Treaties and Other
International Acts Series 1768

PROTOCOL FOR THE EXTENSION OF THE INTER-AMERICAN COFFEE AGREEMENT FOR ONE YEAR FROM OCTOBER 1, 1947

Whereas an Inter-American Coffee Agreement (hereinafter referred to as "the Agreement") was signed in Washington on November 28, 1940:¹

And whereas by a Protocol signed in Washington April 15, 1941,² the Agreement was brought into force on April 16, 1941, in respect of the Governments on behalf of which the Protocol was signed on April 15, 1941:

And whereas Article XXIV of the said Agreement provides that it should continue in force until October 1, 1943:

And whereas by unanimous consent the Governments signatory to the Agreement 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 provisions of Article XXIV of the Agreement:

And whereas by a Protocol signed and deposited with the Pan American Union under date of October 1, 1945,³ the said Agreement was extended for

¹ TS 970, *ante*, vol. 3, p. 671.

² TS 970, *ante*, vol. 3, p. 680.

³ TIAS 1513, *ante*, vol. 3, p. 1283.

one year from October 1, 1945, with certain changes recommended by the Inter-American Coffee Board.

And whereas by a Protocol signed and deposited with the Pan American Union under date of October 1, 1946,⁴ the said Agreement was extended for one year from October 1, 1946, subject to certain conditions recommended by the Inter-American Coffee Board.

Now, therefore, in support of a recommendation made by the Inter-American Coffee Board on September 11, 1947, the Governments signatory to the present Protocol, considering that it is feasible, pending further efforts toward completion of international and inter-American arrangements for dealing with commodity problems, that the Agreement should be prolonged for one additional year, 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, 1947.

Article 2

During the period specified in Article 1 above, the Governments signatory to the present Protocol agree that the provisions of Article I through and including VIII of the Agreement shall be inoperative.

Article 3

(a) During the period specified in Article 1 above, the Inter-American Coffee Board shall undertake to complete by April 1, 1948, its recommendations for the consideration of the governments now participating in the Agreement and of other governments that might be interested in participating in an understanding regarding the type of cooperation, whether inter-American or other international, that appears most likely to contribute to the development of sound and prosperous conditions in international trade in coffee equitable for both consumers and producers.

(b) Such recommendations shall be in accordance with general principles of commodity policy which are embodied in the Chapter on Inter-governmental Commodity Arrangements drafted in the First Session of the Preparatory Committee on the United Nations Conference on Trade and Employment or which may be embodied in the Charter for an International Trade Organization if such Charter is concluded prior to the submission of such recommendations by the Board.

(c) The Inter-American Coffee Board shall undertake to make arrangements prior to October 1, 1948 for the transfer of its functions, assets and records to an appropriate inter-American or other international organization.

⁴ TIAS 1605, *ante*, p. 180.

Article 4

The present Protocol shall be open for signature at the Pan American Union from September 11, 1947 until November 1, 1947, provided, however, that all signatures shall be deemed to have been affixed under date of October 1, 1947, and the Protocol shall be considered as having entered into force on that date with respect to the governments on behalf of which it is signed.

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 the English, Spanish, Portuguese and French languages. The original instrument in each language shall be deposited in the Pan American Union which shall furnish certified copies to the Governments signatory to this Protocol.

CARLOS MARTINS PEREIRA E SOUZA
Brazil

ANDRÉS URIBE C.
Colombia

J. RAFAEL OREAMUNO
Costa Rica

GMO. BELT
Cuba

JULIO ORTEGA
Dominican Republic

C. J. AROSEMENA
Ecuador

CARLOS A. SIRI
El Salvador

ENRIQUE LOPEZ HERRARTE
Guatemala

JOSEPH D. CHARLES
Haiti

JULIÁN R. CÁCERES
Honduras

V. SANCHEZ GAVITO JR.
Mexico

GUILL. SEVILLA SACASA
Nicaragua

C. ALZAMORA
Peru

WILLARD L. THORP
Subject to Ratification
United States of America

M. A. FALCON-BRICENO
Venezuela

TELECOMMUNICATION

- Convention, with annexes, final protocol of signature, and additional protocols, signed at Atlantic City October 2, 1947*¹
Senate advice and consent to ratification of convention and final protocol June 2, 1948
*Convention and final protocol ratified by the President of the United States, with declarations, June 18, 1948*²
Ratification of the United States deposited with the International Telecommunication Union July 17, 1948
Convention and final protocol entered into force January 1, 1949; additional protocols entered into force October 2, 1947
Proclaimed by the President of the United States February 10, 1949
*Annex 2 of convention and articles 1 and 5 of radio regulations supplemented by agreement of December 3, 1951*³
Replaced by conventions of December 22, 1952,⁴ December 21, 1959,⁵ and November 12, 1965,⁶ as between contracting parties to the later conventions

63 Stat. 1399; Treaties and Other
International Acts Series 1901

INTERNATIONAL TELECOMMUNICATIONS CONVENTION ATLANTIC CITY, 1947

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¹ For text of radio regulations annexed to the convention, see 63 Stat. 1581 or p. 203 of TIAS 1901.

² For U.S. declarations made at time of signing and maintained in the President's ratification, see final protocol of signature, p. 624.

³ 3 UST 5520; TIAS 2753.

⁴ 6 UST 1213; TIAS 3266.

⁵ 12 UST 1761; TIAS 4892.

⁶ 18 UST 575; TIAS 6267.

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INTERNATIONAL TELECOMMUNICATION CONVENTION
ATLANTIC CITY
(1947)

PREAMBLE

While fully recognizing the sovereign right of each country to regulate its telecommunication, the plenipotentiaries of the Contracting Governments have agreed to conclude the following Convention, with a view to ensuring the effectiveness of telecommunication.

CHAPTER I

COMPOSITION, FUNCTIONS AND STRUCTURE OF THE UNION

ARTICLE 1

Composition of the Union

1. The International Telecommunication Union shall comprise Members and Associate Members.

2. A Member of the Union shall be:

a) any country or group of territories listed in Annex 1 upon signature and ratification of, or accession to, this Convention, by it or on its behalf;

b) any country not listed in Annex 1 which becomes a Member of the United Nations and which accedes to this Convention in accordance with Article 17;

c) any sovereign country not listed in Annex 1 and not a Member of the United Nations which applies for membership in the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Convention in accordance with Article 17.

3. (1) All Members shall be entitled to participate in conferences of the Union and shall be eligible for election to any of its organs.

(2) Each Member shall have one vote at any conference of the Union and at any meeting of an organ of the Union of which it is a Member.

4. An Associate Member shall be:

a) any country which has not become a Member of the Union in accordance with paragraph 2 of this Article, by acceding to this Convention in accordance with Article 17, after its application for Associate Membership has received approval by a majority of the Members of the Union;

b) any territory or group of territories, not fully responsible for the conduct of its international relations, on behalf of which this Convention has been accepted by a Member of the Union in accordance with Article 17 or 18, provided that its application for Associate Membership is sponsored by

such Member, after the application has received approval by a majority of the Members of the Union;

c) any trust territory on behalf of which the Union Nations has acceded to this Convention in accordance with Article 19, and the application of which for Associate Membership has been sponsored by the United Nations.

5. Associate Members shall have the same rights and obligations as Members of the Union, except that they shall not have the right to vote in any Conference or other organ of the Union. They shall not be eligible for election to any organ of the Union of which the Members are elected by a plenipotentiary or administrative conference.

6. For the purposes of paragraphs 2 c) and 4 a) and b) above, if an application for Membership or Associate Membership is made during the interval between two plenipotentiary conferences, the Secretary General shall consult the Members of the Union; a Member shall be deemed to have abstained if he has not replied within four months after his opinion has been requested.

ARTICLE 2

Seat of the Union

The seat of the Union and of its permanent organs shall be at Geneva.

ARTICLE 3

Purposes of the Union

1. The purposes of the Union are:

a) to maintain and extend international cooperation for the improvement and rational use of telecommunication of all kinds;

b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;

c) to harmonize the actions of nations in the attainment of those common ends.

2. To this end, the Union shall in particular:

a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments in order to avoid harmful interference between radio stations of different countries;

b) foster collaboration among its Members and Associate Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;

- c) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication service;
- d) undertake studies, formulate recommendations, and collect and publish information on telecommunication matters for the benefit of all Members and Associate Members.

ARTICLE 4

Structure of the Union

The organization of the Union shall be as follows:

- 1. the Plenipotentiary Conference which is the supreme organ of the Union;
- 2. Administrative Conferences;
- 3. the permanent organs of the Union which are:
 - a) the Administrative Council,
 - b) the General Secretariat,
 - c) the International Frequency Registration Board (I.F.R.B.),
 - d) the International Telegraph Consultative Committee (C.C.I.T.),
 - e) the International Telephone Consultative Committee (C.C.I.F.),
 - f) the International Radio Consultative Committee (C.C.I.R.).

ARTICLE 5

Administrative Council

A. ORGANIZATION AND WORKING ARRANGEMENTS

1. (1) The Administrative Council shall be composed of eighteen Members of the Union elected by the plenipotentiary conference with due regard to the need for equitable representation of all parts of the world. The Members of the Council shall hold office until the election of their successors. They are eligible for re-election.

(2) If between two plenipotentiary conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union, from the same region as the Member whose seat is vacated, who had obtained at the previous election the largest number of votes among those not elected.

2. Each of the Members of the Administrative Council shall appoint, to serve on the Council, a person qualified in the field of telecommunication services.

3. (1) Each Member of the Council shall have one vote.

(2) In taking its decisions, the Administrative Council shall follow the procedure provided in the General Regulations currently in force. In cases not covered by the General Regulations, it may adopt its own rules of procedure.

4. The Administrative Council shall elect five of its Members to assume the Chairmanship and Vice Chairmanships during the period which normally elapses between two plenipotentiary conferences. Each of these five Members shall assume the Chairmanship in turn for one year only, including the Chairmanship throughout the last meeting convened during that year. The Chairmanship shall be decided each year by agreement among these five Members or by lot.

5. The Administrative Council shall normally meet at the seat of the Union, once a year and at such other times as it deems necessary or at the request of six of its Members.

6. The Chairman of the International Frequency Registration Board, the Directors of the International Consultative Committees and the Vice-Director of the C.C.I.R. shall participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless the Council may exceptionally hold meetings confined to its own Members.

7. The Secretary General of the Union shall act as Secretary of the Administrative Council.

8. In the intervals between plenipotentiary conferences, the Administrative Council shall act on behalf of the plenipotentiary conference within the limits of the powers delegated to it by the latter.

9. Only the travelling and subsistence expenses incurred by Members of the Administrative Council in this capacity shall be borne by the Union.

B. DUTIES

10. (1) The Administrative Council shall be responsible for taking all steps to facilitate the implementation by the Members and Associate Members of the provisions of the Convention, of the Regulations and of the decisions of the Plenipotentiary Conference.

(2) It shall ensure the efficient coordination of the work of the Union.

11. In particular, the Administrative Council shall:

a) perform any duties assigned to it by the plenipotentiary conferences;

b) in the interval between plenipotentiary conferences, be responsible for effecting the coordination with all international organizations contemplated in Articles 26 and 27 of this Convention, and to this end appoint, on behalf of the Union, one or more representatives to participate in the conferences of such organizations, and when necessary, of coordinating committees established in conjunction with those organizations;

c) appoint the Secretary General and the two Assistant Secretaries General of the Union;

d) supervise the administrative functions of the Union;

e) review and approve the annual budget of the Union;

f) arrange for the annual audit of the accounts of the Union prepared by the Secretary General and approve them for submission to the next plenipotentiary conference;

g) arrange for the convening of plenipotentiary and administrative conferences of the Union as provided for in Articles 10 and 11;

h) coordinate the activities of all other organs of the Union, consider and take such action as it deems appropriate on requests or recommendations made to it by such organs and fill vacancies thereon ad interim as prescribed in the Regulations;

i) perform the other functions prescribed for it in this Convention and, within the framework of the Convention and the Regulations, the functions deemed necessary for the proper administration of the Union.

ARTICLE 6

International Frequency Registration Board

1. The essential duties of the International Frequency Registration Board shall be:

a) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;

b) to furnish advice to Members and Associate Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur.

2. The International Frequency Registration Board shall be composed of independent members, all nationals of different countries, Members of the Union. Each ordinary administrative radio conference shall determine the number of its members, and the method of their election with a view to ensuring a balanced selection of the members from the various parts of the world.

3. Members of the Board shall be elected by each ordinary administrative radio conference according to the procedure established by that conference.

4. The working arrangements of the Board are defined in the Radio Regulations.

5. (1) The members of the Board shall serve, not as representatives of their respective countries, or of a region, but as custodians of an international public trust.

(2) No member of the Board shall request or receive instructions relating to the exercise of his duties from any Government or a member thereof or from any public or private organization or person. Furthermore, each Member and Associate Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

(3) No member of the Board or of its staff shall participate in any manner or have any financial interest whatsoever in any branch of telecommunication, apart from the work of the Board.

ARTICLE 7

Condition To Be Fulfilled Before Serving on the Administrative Council and the International Frequency Registration Board

1. No person designated by an elected Member to serve on the Administrative Council or on the International Frequency Registration Board may exercise his functions until an instrument of ratification or of accession has been deposited by that Member or on its behalf.

2. Any country which ceases to be a Member of the Union for any reason whatsoever may not be represented in either the Administrative Council or the International Frequency Registration Board.

ARTICLE 8

International Consultative Committees

1. (1) The duties of the International Telegraph Consultative Committee (C.C.I.T.) shall be to study technical, operating and tariff questions relating to telegraphy and facsimile and to issue recommendations on them.

(2) The duties of the International Telephone Consultative Committee (C.C.I.F.) shall be to study technical, operating and tariff questions relating to telephony and to issue recommendations on them.

(3) The duties of the International Radio Consultative Committee (C.C.I.R.) shall be to study technical radio questions and operating questions the solution of which depends principally on considerations of a technical radio character and to issue recommendations on them.

2. The questions studied by each International Consultative Committee, on which it shall issue recommendations, are those submitted to it by the plenipotentiary conference, by an administrative conference, by the Administrative Council, by another Consultative Committee or by the International Frequency Registration Board. A Consultative Committee shall likewise issue its recommendations on questions the study of which has been decided upon by its Plenary Assembly or proposed by at least twelve Members or Associate Members in the interval between meetings of the Plenary Assembly concerned.

3. The International Consultative Committees shall have as members:

- a) administrations of Members and Associate Members of the Union;
- b) recognized private operating agencies which express a desire to have their experts participate in the work of these Committees.

4. Each Consultative Committee shall work through the medium of:
 - a) the Plenary Assembly, meeting normally every two years, provided that a meeting shall take place about one year previous to the relative administrative conference; each meeting of a Plenary Assembly normally shall be held in a place fixed by the previous meeting of that Assembly;
 - b) study groups, which shall be set up by the Plenary Assembly to deal with questions to be studied;
 - c) a Director, who shall be appointed by the Plenary Assembly for an indefinite period, but with the reciprocal right of terminating the appointment; the Director of the Radio Consultative Committee shall be assisted by a Vice-Director specializing in broadcasting, appointed under the same conditions;
 - d) a specialized Secretariat, which assists the Director;
 - e) laboratories or technical installations set up by the Union.
5. (1) Consultative Committees shall observe the rules of procedure in the General Regulations annexed to this Convention.
(2) The Plenary Assembly of a Consultative Committee may adopt such additional rules of procedure as may facilitate the work of the Committee if they do not conflict with the General Regulations.
6. The working arrangements of the Consultative Committees are defined in Part II of the General Regulations annexed to this Convention.

ARTICLE 9

General Secretariat

1. The General Secretariat of the Union shall be directed by the Secretary General, who shall be responsible to the Administrative Council for the performance of his duties.
2. The Secretary General shall:
 - a) appoint the staff of the General Secretariat in accordance with any directives of the plenipotentiary conference and the rules established by the Administrative Council;
 - b) organize the work of the General Secretariat and undertake administrative arrangements for the specialized divisions of the permanent organs of the Union; these divisions shall be under the supervision of the Secretary General for administrative purposes only and shall work directly under the orders of the Directors of the organs concerned; the appointment of technical and administrative staff to these divisions shall be made by the Secretary General in accordance with the decisions of the organ concerned and in agreement with the appropriate Director;
 - c) carry on secretarial work preparatory to, and following, conferences of the Union;

- d) provide, where appropriate in cooperation with the inviting Government, the secretariat of every conference of the Union, and when so requested, or provided in the Regulations annexed hereto, the secretariat of meetings of the permanent organs of the Union or meetings placed under its auspices;
- e) keep up to date the official master lists compiled from data supplied for this purpose by the permanent organs of the Union or by administrations;
- f) publish the recommendations and principal reports of the permanent organs of the Union;
- g) publish international and regional telecommunication agreements communicated to him by the parties thereto and keep up to date records of them;
- h) prepare, publish and keep up to date:
 - 1. a record of the composition and structure of the Union;
 - 2. the general statistics and the official service documents of the Union as prescribed by the Regulations annexed hereto;
 - 3. such other documents as the conferences or the Administrative Council may direct;
- i) distribute the published documents;
- j) collect and publish, in suitable form, data both national and international regarding telecommunication throughout the world;
- k) collect and publish such information as would be of assistance to Members and Associate Members regarding the development of technical methods with a view to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;
- l) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;
- m) prepare an annual budget for submission to the Administrative Council which, after approval by the Council, shall be transmitted for information to all Members and Associate Members;
- n) prepare a financial operating report and accounts to be submitted annually to the Administrative Council and a consolidated account immediately preceding each plenipotentiary conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and Associate Members and be submitted to the next plenipotentiary conference for examination and final approval;
- o) prepare an annual report of his official activities which, after approval by the Administrative Council, shall be transmitted to all Members and Associate Members;
- p) perform all other secretarial functions of the Union.

3. The Secretary General or one of the two Assistant Secretaries General shall participate, in a consultative capacity, in the meetings of the International Consultative Committees.

4. The Secretary General, the Assistant Secretaries General and the members of the General Secretariat shall receive salaries on a basis established by the plenipotentiary conference.

5. The paramount consideration in the recruitment of the staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence, and integrity. Due regard must be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

6. (1) In the performance of their duties the Secretary General, the Assistant Secretaries General and the staff must not seek or receive instructions from any government or from any other authority external to the Union. They must refrain from any action which might reflect on their position as international officials and shall be responsible solely to the Union.

(2) Each Member and Associate Member undertakes to respect the exclusively international character of the responsibilities of the Secretary General, the Assistant Secretaries General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 10

Plenipotentiary Conferences

1. The Plenipotentiary Conference shall:

- a) consider the report of the Administrative Council on the activities of the Union;
- b) establish the basis for the budget of the Union for the next five years;
- c) finally approve the accounts of the Union;
- d) elect the Members of the Union which are to serve on the Administrative Council;
- e) revise the Convention if it considers this necessary;
- f) if necessary, enter into any formal agreement or revise any existing formal agreement between the Union and any other international body;
- g) deal with such other telecommunication questions as may be necessary.

2. The Plenipotentiary Conference normally shall meet once every five years at a time and place fixed by the preceding Plenipotentiary Conference.

3. The time or place of the next Plenipotentiary Conference may be changed:

- a) when at least twenty Members of the Union have proposed a change to the Administrative Council;
- b) on the proposal of the Administrative Council.

In either case, the Administrative Council, with the concurrence of a majority of the Members of the Union, shall fix the new time or the new place, or both, and shall indicate, if necessary, the agenda.

ARTICLE 11

Administrative Conferences

1. (1) The Administrative Conferences shall:
 - a) revise the Regulations provided for in Article 13 paragraph 2 of this Convention with which they are respectively concerned;
 - b) deal with all other matters deemed necessary within the terms of the Convention and the General Regulations, or in accordance with any directive given by the Plenipotentiary Conference.

(2) The radio administrative conference shall:

- a) elect the members of the International Frequency Registration Board;
 - b) review its activities.
2. The administrative conferences shall meet at the same place and at the same time as the Plenipotentiary Conference, in general, every five years.
 3. (1) An extraordinary administrative conference may be convened:

- a) by a decision of the Plenipotentiary Conference which shall determine its agenda and the time and place of its meeting; or
- b) when at least twenty Members of the Union have made known to the Administrative Council their desire that such a Conference shall be held to consider an agenda proposed by them; or
- c) on the proposal of the Administrative Council.

(2) In the cases specified in b) and c) of subparagraph (1) above, the Administrative Council, with the concurrence of a majority of the Members of the Union, shall determine the time and place of the Conference as well as its agenda.

ARTICLE 12

Rules of Procedure of Conferences

1. Before entering on its deliberations, each Conference shall adopt Rules of Procedure in accordance with which the discussions and work are organized and conducted.
2. For this purpose each Conference shall take as a basis the provisions of the General Regulations annexed to this Convention, with such modifications as it thinks fit.

ARTICLE 13

Regulations

1. The General Regulations contained in Annex 4 shall have the same force and duration as this Convention, subject to the provisions of Article 12 of the Convention.

2. The provisions of this Convention are completed by the following sets of Administrative Regulations:

Telegraph Regulations;⁷
Telephone Regulations;⁸
Radio Regulations;⁹
Additional Radio Regulations.¹⁰

3. These Regulations shall be binding on all Members and Associate Members.¹¹ However, Members and Associate Members shall notify the Secretary General of their approval of any revision of any of the administrative Regulations by an administrative conference in the interval between two plenipotentiary conferences. The Secretary General shall inform Members and Associate Members promptly regarding receipt of such notifications of approval.

4. In case of inconsistency between a provision of the Convention and a provision of the Regulations, the Convention shall prevail.

ARTICLE 14

Finances of the Union

1. The expenses of the Union shall be classified as ordinary expenses and extraordinary expenses.

2. The ordinary expenses of the Union shall be kept within the limits prescribed by the Plenipotentiary Conference. They shall include, in particular, the expenses pertaining to the meetings of the Administrative Council, the salaries of the staff and other expenses of the General Secretariat, of the International Frequency Registration Board, of the International Consultative Committees, and of the laboratories and technical installations

⁷ For text of 1949 Paris revision of telegraph regulations, see 2 UST 17; TIAS 2175.

⁸ *Telephone Regulations (Paris Revision, 1949) annexed to the International Telecommunication Convention (Atlantic City, 1947)* (conference document). The United States did not become a party.

⁹ Not printed here; for text, see 63 Stat. 1581 or TIAS 1901, p. 203.

¹⁰ 195 UNTS 119. The United States did not become a party.

¹¹ For U.S. declarations made at time of signing, see p. 624.

created by the Union. These ordinary expenses shall be borne by all Members and Associate Members.

3. (1) The extraordinary expenses shall include all expenses pertaining to plenipotentiary conferences, administrative conferences and meetings of the International Consultative Committees. They shall be borne by the Members and Associate Members who have agreed to participate in these conferences and meetings.

(2) Private operating agencies and international organizations shall contribute to the extraordinary expenses of the administrative conferences and the meetings of the International Consultative Committees in which they participate, in proportion to the number of units corresponding to the class chosen by them among the classes provided in paragraph 4 of this Article. The Administrative Council may, nevertheless, excuse certain international organizations from contributing to these expenses.

(3) Expenses incurred by laboratories and technical installations of the Union, in measurements, testing, or special research for individual Members or Associate Members, groups of Members or Associate Members or regional organizations or others, shall be borne by those Members or Associate Members, groups, organizations or others.

4. For the purpose of apportioning expenses, Members and Associate Members shall be divided into 8 classes, each contributing on the basis of a fixed number of units, namely:

1st class:	30 units,	5th class:	10 units,
2nd class:	25 units,	6th class:	5 units,
3rd class:	20 units,	7th class:	3 units,
4th class:	15 units,	8th class:	1 unit.

5. Each Member and Associate Member shall inform the Secretary General of the class in which it wishes to be included. This decision shall be notified to the other Members and Associate Members by the Secretary General and shall not be changed during the interval between the coming into force of this Convention and the opening of the next Plenipotentiary Conference.

6. Members and Associate Members shall pay in advance their annual contributory shares calculated on the basis of the estimated expenditure of the Union for the following financial year.

7. The amounts due shall bear interest from the beginning of each financial year of the Union with regard to ordinary expenses and from the date on which accounts for extraordinary expenses, and for documents supplied, are sent to Members and Associate Members. This interest shall be at the rate of 3% (three per cent) per annum during the first six months after the date on which the amounts are due and at the rate of 6% (six per cent) per annum from the beginning of the seventh month.

ARTICLE 15

Languages

1. (1) The official languages of the Union shall be Chinese, English, French, Russian and Spanish.

(2) In case of dispute, the French text shall be authentic.

2. The final documents of the plenipotentiary and administrative conferences as well as the final acts and protocols, shall be drawn up in the languages mentioned above in versions equivalent in form and content.

3. (1) All other documents of the conferences shall be drawn up in English, French and Spanish.

(2) All service documents of the Union shall be published in the five official languages.

(3) All other documents for general distribution prepared by the Secretary General in the course of his duties shall be drawn up in English, French and Spanish.

4. (1) In conferences and at the meetings of the permanent organs of the Union, the debates shall be conducted with the aid of an efficient system of reciprocal translation from and into English, French and Spanish.

(2) Other languages may also be used in the debates provided that the delegations using them make arrangements themselves for oral translation into any one of the languages mentioned in the preceding sub-paragraph. Similarly, delegates may, if they wish, arrange for speeches to be translated orally into their own languages from one of the languages mentioned in the preceding sub-paragraph.

5. Each Member and Associate Member shall share the expenses attributable to the use of the authorized languages, with respect to one of these languages only. For oral languages and working documents of conferences and meetings of organs of the Union, the Administrative Council shall lay down rules by which the Secretary General shall calculate the share of each Member and Associate Member in accordance with the number of units which it has chosen in accordance with paragraph 5 of Article 14; for other documents, the Secretary General shall calculate this share in accordance with the cost price of the copies purchased.

CHAPTER II

APPLICATION OF THE CONVENTION AND REGULATIONS

ARTICLE 16

Ratification of the Convention

1. This Convention shall be ratified by each of the signatory Governments. The instruments of ratification shall be deposited, in as short a time as possible, with the Secretary General by diplomatic channel through the inter-

mediary of the Government of the country of the seat of the Union. The Secretary General shall notify the Members and Associate Members of each deposit of ratification.

2. After the entry into force of this Convention in accordance with Article 49, each instrument of ratification shall become effective on the date of its deposit with the General Secretariat.

3. If one or more of the signatory Governments do not ratify the Convention, it shall not thereby be less valid for the Governments which have ratified it.

ARTICLE 17

Accession to the Convention

1. The Government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of Article 1.

2. The instrument of accession shall be deposited with the Secretary General by diplomatic channel through the intermediary of the Government of the country of the seat of the Union. Unless otherwise specified therein, it shall become effective upon the date of its deposit. The Secretary General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

ARTICLE 18

Application of the Convention to Countries or Territories for Whose Foreign Relations Members of the Union Are Responsible

1. Members of the Union may declare at any time that their acceptance of this Convention applies to all or a group or a single one of the countries or territories for whose foreign relations they are responsible.¹²

2. A declaration made in accordance with paragraph 1 of this Article shall be communicated to the Secretary General of the Union. The Secretary General shall notify the Members and Associate Members of each such declaration.

3. The provisions of paragraphs 1 and 2 of this Article shall not be deemed to be obligatory in respect of any country, territory or group of territories listed in Annex 1 of this Convention.

ARTICLE 19

Application of the Convention to Trust Territories of the United Nations

The United Nations shall have the right to accede to this Convention on behalf of any territory or group of territories placed under its administration

¹² For U.S. declarations made at time of signing, see p. 624.

in accordance with a trusteeship agreement as provided for in Article 75 of the Charter of the United Nations.

ARTICLE 20

Execution of the Convention and Regulations

1. The Members and Associate Members are bound to abide by the provisions of this Convention and the Regulations annexed thereto in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 47 of this Convention.

2. They are also bound, in addition, to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon recognized private operating agencies and upon other agencies authorized to establish and operate telecommunication which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

ARTICLE 21

Denunciation of the Convention

1. Each Member and Associate Member which has ratified, or acceded to, this Convention shall have the right to denounce it by a notification addressed to the Secretary General of the Union by diplomatic channel through the intermediary of the Government of the country of the seat of the Union. The Secretary General shall advise the other Members and Associate Members thereof.

2. This denunciation shall take effect at the expiration of a period of one year from the day of the receipt of notification of it by the Secretary General.

ARTICLE 22

Denunciation of the Convention on Behalf of Countries or Territories for Whose Foreign Relations Members of the Union Are Responsible

1. The application of this Convention to a country, territory or group of territories in accordance with Article 18 may be terminated at any time, and such country, territory or group of territories, if it is an Associate Member, ceases upon termination to be such.

2. The declarations of denunciation contemplated in the above paragraph shall be notified in conformity with the conditions set out in paragraph 1 of Article 21; they shall take effect in accordance with the provisions of paragraph 2 of that article.

ARTICLE 23

Abrogation of Earlier Conventions and Regulations

This Convention and the Regulations annexed thereto shall abrogate and replace, in relations between the Contracting Governments, the International Telegraph Conventions of Paris (1865),¹³ of Vienna (1868),¹⁴ of Rome (1872),¹⁵ of St. Petersburg (1875),¹⁶ and the Regulations annexed to them and also the International Radiotelegraph Conventions of Berlin (1906),¹⁷ of London (1912)¹⁸ and of Washington (1927)¹⁹ and the Regulations annexed to them, and the International Telecommunication Convention of Madrid (1932),²⁰ the Radio Regulations and the Additional Radio Regulations of Cairo (1938).²¹

ARTICLE 24

Relations with non-contracting States

1. Each Member and Associate Member reserves to itself and to the recognized private operating agencies the right to fix the conditions under which it admits telecommunications exchanged with a State which is not a party to this Convention.

2. If a telecommunication originating in the territory of such a non-contracting State is accepted by a Member or Associate Member, it must be transmitted and, in so far as it follows the telecommunication channels of a Member or Associate Member, the obligatory provisions of the Convention and Regulations and the usual charges shall apply to it.

ARTICLE 25

Settlement of Differences

1. Members and Associate Members may settle their differences on questions relating to the application of this Convention or of the Regulations contemplated in Article 13, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.

2. If none of these methods of settlement is adopted, any Member or Associate Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in Annex 3.

¹³ *British and Foreign State Papers*, vol. 56, p. 294.

¹⁴ *Ibid.*, vol. 59, p. 322.

¹⁵ *Ibid.*, vol. 66, p. 975.

¹⁶ 57 LNTS 212.

¹⁷ TS 568, *ante*, vol. 1, p. 556.

¹⁸ TS 581, *ante*, vol. 1, p. 883.

¹⁹ TS 767, *ante*, vol. 2, p. 683.

²⁰ TS 867, *ante*, vol. 3, p. 65.

²¹ TS 948, *ante*, vol. 3, p. 518.

CHAPTER III

RELATIONS WITH THE UNITED NATIONS AND WITH INTERNATIONAL ORGANIZATIONS

ARTICLE 26

Relations With the United Nations

1. The relationship between the United Nations and the International Telecommunication Union is defined in the agreement, the text of which appears in Annex 5 of this Convention.

2. In accordance with the provisions of Article XV of the above-mentioned agreement, the telecommunication operating services of the United Nations shall be entitled to the rights and bound by the obligations of this Convention and of the Regulations annexed thereto. Accordingly, they shall be entitled to attend all conferences of the Union, including meetings of the International Consultative Committees, in a consultative capacity. They shall not be eligible for election to any organ of the Union, the Members of which are elected by a plenipotentiary or administrative conference.

ARTICLE 27

Relations With International Organizations

In furtherance of complete international coordination on matters affecting telecommunication, the Union will cooperate with international organizations having related interests and activities.

CHAPTER IV

GENERAL PROVISIONS RELATING TO TELECOMMUNICATION

ARTICLE 28

The Right of the Public To Use the International Telecommunication Service

Members and Associate Members recognize the right of the public to correspond by means of the international service of public correspondence. The service, the charges, and the safeguards shall be the same for all private users in each category of correspondence without any priority or preference.

ARTICLE 29

Stoppage of Telecommunications

1. Members and Associate Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the state or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such

telegram or any part thereof, except when such notification may appear dangerous to the security of the state.

2. Members and Associate Members also reserve the right to cut off any private telephone or telegraph communication which may appear dangerous to the security of the state or contrary to their laws, to public order or to decency.

ARTICLE 30

Suspension of Services

Each Member or Associate Member reserves the right to suspend the international telecommunication service for an indefinite time, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Members and Associate Members through the medium of the General Secretariat.

ARTICLE 31

Responsibility

Members and Associate Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

ARTICLE 32

Secrecy of Telecommunication

1. Members and Associate Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

ARTICLE 33

Establishment, Operation, and Protection of Telecommunication Installations and Channels

1. Members and Associate Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

2. So far as possible, these channels and installations must be operated by the best methods and procedures developed as a result of practical operating experience, maintained in proper operating condition and kept abreast of scientific and technical progress.

3. Members and Associate Members shall safeguard these channels and installations within their jurisdiction.

4. Unless other conditions are laid down by special arrangements, each Member and Associate Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

ARTICLE 34

Notification of Infringements

In order to facilitate the application of the provisions of Article 20, Members and Associate Members undertake to inform each other of infringements of the provisions of this Convention and of the Regulations annexed thereto.

ARTICLE 35

Charges and Free Services

The provisions regarding charges for telecommunication and the various cases in which free services are accorded, are set forth in the Regulations annexed to this Convention.

ARTICLE 36

Priority of Government Telegrams and Telephone Calls

Subject to the provisions of Article 45, Government telegrams shall enjoy priority over other telegrams when priority is requested for them by the sender. Government telephone calls may also be accorded priority, upon specific request and to the extent practicable, over other telephone calls.

ARTICLE 37

Secret Language

1. Government telegrams and service telegrams may be expressed in secret language in all relations.

2. Private telegrams in secret language may be admitted between all countries with the exception of those which have previously notified, through the medium of the General Secretariat, that they do not admit this language for those categories of correspondence.

3. Members and Associate Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 30.

ARTICLE 38

Rendering and Settlement of Accounts

1. Administrations of Members and Associate Members and recognized private operating agencies which operate international telecommunication

services, shall come to an agreement with regard to the amount of their credits and debits.

2. The statements of accounts in respect to debits and credits referred to in the preceding paragraph shall be drawn up in accordance with the provisions of the Regulations annexed to this Convention, unless special arrangements have been concluded between the parties concerned.

3. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the countries concerned, in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special arrangements made under Article 40 of this Convention, these settlements shall be effected in accordance with the Regulations.

ARTICLE 39

Monetary Unit

The monetary unit used in the composition of the tariffs of the international telecommunication services and in the establishment of the international accounts shall be the gold franc of 100 centimes, of a weight of 10/31 of a gramme and of a fineness of 0.900.

ARTICLE 40

Special Arrangements

Members and Associate Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Members and Associate Members in general. Such arrangements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.

ARTICLE 41

Regional Conferences, Agreements and Organizations

Members and Associate Members reserve the right to convene regional conferences, to conclude regional agreements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. However, such agreements must not be in conflict with this Convention.

CHAPTER V

SPECIAL PROVISIONS FOR RADIO

ARTICLE 42

Rational Use of Frequencies and Spectrum Space

Members and Associate Members recognize that it is desirable to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services.

ARTICLE 43

Intercommunication

1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radio-communications reciprocally without distinction as to the radio system adopted by them.

2. Nevertheless, in order not to impede scientific progress, the provisions of the preceding paragraph shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.

3. Notwithstanding the provisions of paragraph 1, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such telecommunication, or by other circumstances independent of the system used.

ARTICLE 44

Harmful Interference

1. All stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio services or communications of other Members or Associate Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.

2. Each member or Associate Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of the preceding paragraph.

3. Further, the Members and Associate Members recognize the desirability of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in paragraph 1 of this Article.

ARTICLE 45

Distress Calls and Messages

1. Radio stations 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 may be required.

2. The international telegraph and telephone services must accord absolute priority to communications concerning safety of life at sea or in the air.

ARTICLE 46

False or Deceptive Distress or Safety Signals, Irregular Use of Call Signs

Members and Associate Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress or safety signals and the use, by a station, of call signs which have not been regularly assigned to it.

ARTICLE 47

Installations for National Defense Services

1. Members and Associate Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.

2. Nevertheless, these installations must, so far as possible, observe regulatory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Regulations annexed to this Convention, they must, in general, comply with the regulatory provisions for the conduct of such services.

CHAPTER VI

DEFINITIONS

ARTICLE 48

Definitions

In this Convention, unless the context otherwise requires,

a) the terms where are defined in Annex 2 of this Convention shall have the meanings therein assigned to them;

b) other terms which are defined in the Regulations referred to in Article 13 shall have the meanings therein assigned to them.

CHAPTER VII

FINAL PROVISIONS

ARTICLE 49

Effective Date of the Convention

The present Convention shall enter into force on January first nineteen hundred forty nine between countries, territories or groups of territories, in respect of which instruments of ratification or accession have been deposited before that date.

In witness whereof, the respective plenipotentiaries have signed the Convention in each of the English and French languages, in a single copy, in which in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the Government of the United States of America and one copy of which shall be forwarded to each signatory Government.

Done at Atlantic City, October 2, 1947.

For the People's Republic of Albania:
THEODOR HEBA

For the Kingdom of Saudi Arabia:
AHMED ABDUL JABBAR

For the Argentine Republic:
HAROLD CAPPUS
ANIBAL F. IMBERT
EDUARDO A. NAVARRO
MARCO A. ANDRADA
A. NAVATTA
O. IVANISSEVICH
JUAN B. OTHEGUY
F. DELLAMULA

For the Commonwealth of Australia:
L. B. FANNING
R. V. MCKAY

For Austria:
ING. F. HENNEBERG

For Belgium:
R. CORTEIL
R. LECOMTE
L. LAMBIN

For the Bicolorussian Soviet Socialist
Republic:
L. KOSTIUSHKO

For Burma:
MAUNG MAUNG TIN

For Brazil:
ROMEU DE A. GOUVEIA E SILVA
LAURO AUGUSTO DE MEDEIROS
JOAO VICTORIO PARETO NETO
HORACIO DE OLIVEIRA E CASTRO

For Bulgaria:
B. ATHANASSOV

For Canada:
THOMAS A. STONE

For Chile:
I. CARRASCO

For China:
LIU CHIEH
JU-TSU HWANG
T. C. LOO
Dr. YU-YUEH MAO
TENG NAI-HONG
T. K. WANG
S. S. WONG

For the State of Vatican City:
FILIPPO SOCCORSI
WILLIAM C. SMITH

For the Republic of Colombia:
C. E. ARBOLEDA
SANTIAGO QUIJANO C.
LUIS CARLO GUZMAN

- For the Portugese Colonies:
 ARNALDO DE PAIVA CARVALHO
 THEODORO DE MATOS FERREIRA DE
 AGUIAR
 MARIO MONTEIRO DE MACEDO
- For the Colonies, Protectorates, Over-
 seas Territories and Territories
 under mandate or trusteeship of
 the United Kingdom of Great
 Britain and Northern Ireland:
 HUGH TOWNSHEND
 LEONARD V. LEWIS
- For the Colonies, Protectorates, and
 Overseas Territories under French
 Mandate:
 J. LALUNG
- For the Belgian Congo and Territories
 of Ruanda Urundi:
 GEULETTE
- For Cuba:
 NICOLAS G. DE MENDOZA
 M. TORRES MENIER
 A. H. CATA
 Dr. RAMÓN L. BONACHEA
 R. SARABASA
- For Denmark:
 N. E. HOLMBLAD
 K. LOMHOLDT
 GUNNAR PEDERSEN
- For the Dominican Republic:
 SEBASTIAN RODRIGUEZ
 M. E. NANITA
- For Egypt:
 SH. ABAZA
 ANIS EL BARDAI
- For the Republic of El Salvador:
 CARLOS GARCIA BAUER
 B. HERRARTE L.
- For Ecuador:
 HUMBERTO MANCHENO L.
- For the United States of America:
 CHARLES R. DENNY
 FRANCIS COLT DE WOLF
- For Ethiopia:
 H. ALEMAYEHOU
- For Finland:
 V. YLOSTALO
- For France:
 LAFFAY
- For Greece:
 STAMATIOS NIKOLIS
 STEPHANOS ELEFTHERIOU
- For Guatemala:
 CARLOS GARCIA BAUER
 B. HERRARTE L.
- For Haiti:
 JULES DOMOND
- For Honduras:
 G. MONTES
- For Hungary:
 PAUL MARIK
- For India:
 S. BANERJI
 H. R. THADHANI
 M. RAJAGOPAL
- For the Netherlands Indies:
 SCHIPPERS
 H. VAN DER VEEN
 J. J. VAN RIJSINGE
 G. COENEN
 F. LEIWAKABESSY
- For Iran:
 F. NOURY ESFANDIARY
- For Iraq:
 JAMIL HAMDY
 RAGHID RASHID
- For Ireland:
 LEON O'BROIN
 T. S. O'MUINEACHAIN
 M. O'DOCHARTAIGH
- For Iceland:
 G. J. HLIDDAL
 G. BRIEM
- For Italy:
 G. GNEME
 ANTONIO PENNETTA
 SETTIMIO AURINI
 LUIGI SACCO
 VITTORIO DE PACE
- For Lebanon:
 J. NAMMOUR
- For Luxembourg:
 HUGHES LE GALLAIS
- For Mexico:
 E. AZCARRAGA
 A. M. V.
 AUGUSTIN FLORES U.
 L. BARAJAS G.

- For Monaco:
ARTHUR CROVETTO
- For Nicaragua:
FRANCISCO P. MEDAL
- For Norway:
SV. RYNNING-TOENNESSEN
LEIF LARSEN
ANDREAS STRAND
- For New Zealand:
H. W. CURTIS
T. R. CLARKSON
- For Pakistan:
M. S. KARI
S. A. SATHAR
- For Panama:
J. E. HUERTEMATTE
- For the Netherlands, Curaçao and Surinam:
J. D. H. V D TOORN
A. SPAANS
A. DEN HARTOG
H. VAN DER VEEN
- For Peru:
MIGUEL FLOREZ
- For the Republic of the Philippines:
NARCISO RAMOS
JOSE S. ALFONSO
- For the Republic of Poland:
EUGENIUSZ STALINGER
K. SZYMANSKI
- For Portugal:
CARLOS RIBEIRO
A. M. BIVAR
JORGE RAMOS PEREIRA
OSCAR SATURNINO
M. AMARO VIEIRA
FERREIRA MONTEIRO
- For the French Protectorates of Morocco and Tunisia:
For Morocco:
M. LACROZE
For Tunisia:
J. DEZES
- For the People's Federal Republic of Yugoslavia:
JOSIP CULJAT
Dr. D. V. POPOVIĆ
- For the Ukrainian Soviet Socialist Republic:
M. GOLOVNIN
- For Southern Rhodesia:
HUGH TOWNSHEND
- For Romania:
REMUS LULA
- For the United Kingdom of Great Britain and Northern Ireland:
HUGH TOWNSHEND
LEONARD V. LEWIS
- For Siam:
LUANG PRAISANEE THURANURAK
- For Sweden:
HAKAN STERKY
ARTHUR ONNERMARK
- For the Swiss Confederation:
VICTOR NEF
Dr. F. HESS
A. MOCKLI
Dr. V. TUASON
Dr. E. METSLER
- For Syria:
SAMIH MOUSSLY
- For Czechoslovakia:
Ing. JINDRICH KRAPKA
Ing. J. EHRlich
Ing. JAROMIR SVOBODA
Dr. JAN BUSĀK
- For Turkey:
N. TONER
I. S. ESGUN
NEJAT SANER
- For the Union of South Africa and the mandated territory of South-West Africa:
E. C. SMITH
W. A. BORLAND
H. S. MILLS
- For the Union of Soviet Socialist Republics:
A. D. FORTOUSHENKO
L. KOPYTIN
V. BRAGIN
F. ILIUKEVICH
A. NIKITINA
A. CHTCHETININE
- For the Oriental Republic of Uruguay:
Col. RAFAEL J. MILANS
- For the United States of Venezuela:
RENATO GUTIERREZ R.
P. PACHANO
G. SIBLESZ

ANNEXES

ANNEX 1

(See Article 1, paragraph 2(a))

- | | |
|--|---|
| 1. Afghanistan | 40. Iran |
| 2. People's Republic of Albania | 41. Iraq |
| 3. Saudi Arabia (Kingdom of) | 42. Ireland |
| 4. Argentine Republic | 43. Iceland |
| 5. Australia (Commonwealth of) | 44. Italy |
| 6. Austria | 45. Lebanon |
| 7. Belgium | 46. Liberia |
| 8. The Bielorussian Soviet Socialist Republic | 47. Luxembourg |
| 9. Burma | 48. Mexico |
| 10. Bolivia | 49. Monaco |
| 11. Brazil | 50. Nicaragua |
| 12. Bulgaria | 51. Norway |
| 13. Canada | 52. New Zealand |
| 14. Chile | 53. Pakistan |
| 15. China | 54. Panama |
| 16. Vatican City (State of) | 55. Paraguay |
| 17. Colombia (Republic of) | 56. Netherlands, Curacao & Surinam |
| 18. Portuguese Colonies | 57. Peru |
| 19. Colonies, Protectorates, Overseas Territories and Territories under mandate or trusteeship of the United Kingdom of Great Britain and Northern Ireland | 58. Philippines (Republic of the) |
| 20. Colonies, Protectorates and Overseas Territories under French Mandate | 59. Poland (Republic of) |
| 21. Belgian Congo and Territories of Ruanda Urundi | 60. Portugal |
| 22. Costa Rica | 61. French Protectorates of Morocco and Tunisia |
| 23. Cuba | 62. People's Federal Popular Republic of Yugoslavia |
| 24. Denmark | 63. The Ukrainian Soviet Socialist Republic |
| 25. Dominican Republic | 64. Southern Rhodesia |
| 26. Egypt | 65. Roumania |
| 27. El Salvador (Republic of) | 66. United Kingdom of Great Britain & Northern Ireland |
| 28. Ecuador | 67. Siam |
| 29. United States of America | 68. Sweden |
| 30. Ethiopia | 69. Swiss Confederation |
| 31. Finland | 70. Syria |
| 32. France | 71. Czechoslovakia |
| 33. Greece | 72. Territories of the United States of America |
| 34. Guatemala | 73. Turkey |
| 35. Haiti | 74. Union of South Africa and the mandated territory of South-west Africa |
| 36. Honduras (Republic of) | 75. Union of Soviet Socialist Republics |
| 37. Hungary | 76. Uruguay (Oriental Republic of) |
| 38. India | 77. Venezuela (United States of) |
| 39. Netherlands Indies | 78. Yemen |

ANNEX 2

Definition of Terms Used in the International Telecommunication Convention

(See Article 48)

Administration: Any department or service of a government responsible for implementing the obligations undertaken in the International Telecommunication Convention and the Regulations annexed thereto.

Private operating agency: Any individual or company or corporation other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or which is capable of causing harmful interference with such a service.

Recognized private operating agency: Any private operating agency, as defined above, which operates a service of public correspondence or of broadcasting and upon which the obligations provided for in Article 20 are imposed by the Member or Associate Member in whose territory the head office of the agency is situated.

Delegate: A person representing a Government at a plenipotentiary conference, or a person representing a Government or an Administration at an administrative conference, or at a meeting of an International Consultative Committee.

Delegation: The totality of the delegates, representatives and experts as the case may be of the same country. Each delegation may include one or more attaches and one or more interpreters. Each Member and Associate Member shall be free to make up its delegation as it wishes. In particular, it may include in its delegation, in the capacity of delegates or of advisers, representatives of private telecommunication operating agencies which it recognizes, and of other private enterprises interested in the telecommunication field which are recognized as such by their respective governments.

Representative: A person representing a recognized private operating agency at an administrative conference, or at a meeting of an International Consultative Committee.

Expert: A person representing a national scientific or industrial organization authorized by the Government of its country to be present at an administrative conference or at a meeting of an International Consultative Committee.

Observer: A person representing a Government, or a person representing an international organization with which the International Telecommunication Union has an interest in cooperating.

International Service: A telecommunication service between offices or stations in different countries or between mobile stations which are not in the same country or are subject to different countries.

Mobile Service: A service of radiocommunication between mobile and land stations or between mobile stations.

Broadcasting Service: A radiocommunication service of transmissions to be received directly by the general public.²²

Telecommunication: Any transmission, emission or reception of signs, sig-

²² This service may include transmissions of sounds or transmissions by television, facsimile or other means. [Footnote in original.]

nals, writing, images and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

Telegraphy: A system of telecommunication for the transmission of written matter by the use of a signal code.

Telephony: A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

Telegram: Written matter intended to be transmitted by telegraphy; this term also includes radiotelegram unless otherwise specified.

Government Telegrams and Government Telephone Calls: These are telegrams or telephone calls originating with any of the authorities specified below:

- a) The Head of a State;
- b) the Head of a Government and members of a Government;
- c) the Head of a colony, protectorate, overseas territory or territory under suzerainty, authority, trusteeship or mandate of a Member or Associate Member or of the United Nations;
- d) Commanders-in-Chief of military forces, land, sea or air;
- e) diplomatic or consular agents;
- f) the Secretary General of the United Nations and the Heads of the subsidiary organs of the United Nations;
- g) the International Court of Justice at The Hague.

Replies to Government telegrams as defined herein shall also be regarded as Government telegrams.

Service Telegrams: Those originating with telecommunication administrations of Members and Associate Members, with recognized private operating agencies or with the Secretary General of the Union²³ and relating to international telecommunication or to objects of public interest mutually agreed upon by the administrations and private operating agencies concerned.

Private Telegrams: Telegrams other than service or Government telegrams.

Radiocommunication: Any telecommunication by means of Hertzian waves.

Hertzian Waves: Electromagnetic waves of frequencies between 10 kc/s and 3,000,000 Mc/s.

Radio: A general term applied to the use of Hertzian waves.

Harmful interference: Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service,²³ or obstructs or repeatedly interrupts a radio service operating in accordance with the Radio Regulations.

²³ Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property, shall be considered as a safety service. [Footnote in original.]

ANNEX 3

Arbitration

(See Article 25)

1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.

2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.

3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of the parties involved in the dispute, nor have their domicile in the countries parties to the dispute, nor be employed in their service.

4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members or Associate Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.

5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.

6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in paragraphs 4 and 5 above, by each of the two groups of parties having a common position in the dispute.

7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfill the conditions indicated in paragraph 3 above, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary General of the Union shall then draw lots in order to select the third arbitrator.

8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary General of the Union to draw lots to decide which of the persons so nominated is to act as the single arbitrator.

9. The arbitrator or arbitrators shall be free to decide upon the procedure to be followed.

10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.

11. Each party shall bear the expenses it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.

12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need.

ANNEX 4

General Regulations Annexed to the International Telecommunication Convention

PART I

General Provisions Regarding Conferences

- Chapter 1—Invitation and Admission to Plenipotentiary Conferences.
 2—Invitation and Admission to Administrative Conferences.
 3—Voting at Conferences.
 4—Procedure for Calling Extraordinary Plenipotentiary or Administrative Conferences or for Changing the Time or Place of a Conference.
 5—Method of Presentation of Proposals for Consideration at Conferences.
 6—Rules of Procedure of Conferences.
- Rule 1—Order of Seating.
 2—First Session of the Plenary Assembly.
 3—Election of the Chairman and Vice-Chairmen.
 4—Powers of the Chairman.
 5—Secretariat of the Conference.
 6—Appointment of Committees.
 7—Composition of Committees.
 8—Chairmen, Vice-Chairmen and Reporters of Committees.
 9—Participation of Private Societies in Administrative Conferences.
 10—Summons to Sessions.
 11—Order of Discussion.
 12—Proposals Presented Before the Opening of the Conference.
 13—Proposals Presented During a Conference.
 14—Proposals Presented to Committees During a Conference.
 15—Postponed Proposals.
 16—Voting Procedure in Sessions of the Plenary Assembly.

General Provisions Regarding Conferences—Con.

- Rule 17—Right of Vote and Voting Procedure in Committees.
 18—Adoption of New Provisions.
 19—Minutes of the Sessions of the Plenary Assembly.
 20—Reports of Committees.
 21—Adoption of Minutes and Reports.
 22—Editorial Committee.
 23—Numbering.
 24—Final Approval.
 25—Signature.
 26—Press Notices.
 27—Franking Privileges.

PART II

International Consultative Committees

- Chapter 7—General Provisions.
 8—Conditions for Participation.
 9—Duties of the Plenary Assembly.
 10—Meetings of the Plenary Assembly.
 11—Languages and Method of Voting in Sessions of the Plenary Assemblies.
 12—Composition of Study Groups.
 13—Treatment of Business.
 14—Duties of the Director. Specialized Secretariat.
 15—Preparation of Proposals for Administrative Conferences.
 16—Relations of Consultative Committees Between Themselves and with Other International Organizations.
 17—Finances of International Consultative Committees.

PART I

GENERAL PROVISIONS REGARDING CONFERENCES

CHAPTER 1

Invitation and Admission to Plenipotentiary Conferences

1. The inviting Government, in collaboration with the Administrative Council, shall fix the definitive date and the exact place of the Conference.

2. One year before this date, the inviting Government shall send invitations to the Members and Associate Members of the Union.

3. The replies of the invited Members and Associate Members must reach the inviting Government not later than one month before the date of opening of the Conference.

4. Immediately after the inviting Government has sent the invitations, the Secretary General shall request the administrations of all Members and Associate Members to forward their proposals for the work of the Conference within a period of four months. The Secretary General shall assemble them and forward them, as soon as possible, to all Members and Associate Members.

5. The Administrative Council shall notify the United Nations of the place and date of the Conference in order that this Organization may participate in accordance with Article 26 of the Convention if it so desires.

6. Any permanent organ of the International Telecommunication Union shall be admitted, as of right, to the Conference and take part in its work in an advisory capacity.

7. The inviting Government, in agreement with the Administrative Council, may invite non-contracting Governments to send observers to take part in the conferences in an advisory capacity.

8. Delegations as defined in the Annex 2 to the Convention, and according to circumstances, the observers contemplated in paragraph 7 are admitted to the Conference.

9. The provisions of the foregoing paragraphs shall apply, so far as practicable, to extraordinary plenipotentiary conferences.

CHAPTER 2

Invitation and Admission to Administrative Conferences

1. The inviting Government, in agreement with the Administrative Council, shall fix the definitive date and the exact place of the conference.

2. One year before this date, in the case of an ordinary conference, and at least six months before in the case of an extraordinary conference, the inviting Government shall send invitations to the Members and Associate

Members of the Union, which may communicate the invitation to the private operating agencies recognized by them. The inviting Government, in agreement with the Administrative Council, shall itself send a notification to the international organizations which may be interested in this conference.

3. The replies of the invited Members and Associate Members, regarding the Delegations of Governments and the representatives of recognized private operating agencies, must reach the inviting Government at the latest one month before the date of the opening of the conference.

4. (1) Applications made by international organizations for admission to the conferences must be sent to the inviting Government within a period of two months from the date of the notification as provided in paragraph 2.

(2) Four months before the meeting of the conference, the inviting Government shall forward to the Members and Associate Members the list of international organizations which have made application to take part in the conference, inviting them to state, within a period of two months, whether or not these applications should be granted.

5. The following shall be admitted to Administrative conferences:

- a) Delegations as defined in the Annex 2 to the Convention;
- b) Representatives of recognized private operating agencies;
- c) Observers of international organizations if at least half of the Members whose replies have been received within the period prescribed in paragraph 4 have pronounced favourably.

6. Any admission of other international organizations to a conference shall be subject to a decision of the conference itself, taken at the first session of the Plenary Assembly.

7. The provisions of paragraphs 4, 5, 6 and 7 of Chapter 1 of the General Regulations are applicable to Administrative Conferences.

CHAPTER 3

Voting at Conferences

1. Each Member of the Union shall have one vote in accordance with Article 1 of the Convention.

2. (1) Each delegation shall present credentials. In the case of a plenipotentiary conference, these must be full powers signed by the Head of the Government or by the Minister of Foreign Affairs of the Member of the Union concerned.

(2) A special committee shall verify the credentials of each delegation during the first week of the conference.

(3) No delegation may exercise the right to vote until its credentials are declared to be in order by the special committee referred to above.

3. A duly accredited delegation may give a mandate to another duly ac-

credited delegation to exercise its vote at one or more sessions at which it is unable to be present. In no case may one delegation exercise more than one such proxy vote.

CHAPTER 4

Procedure for Calling Extraordinary Administrative Conferences or for changing the time or place of a Conference

1. When a Member or Associate Member of the Union communicates to the Chairman of the Administrative Council a desire for (a) an Extraordinary Administrative Conference, or (b) a change in the time and/or place of the next Plenipotentiary or Administrative Conference, it shall suggest a time and place.

2. On receipt of twenty or more requests, the Administrative Council shall inform all Members and Associate Members, give particulars and allow a period of six weeks for receipt of their comments. If there is unanimity of opinion among the Members on place and date, the Council shall ascertain whether the Government of the country in which the proposed meeting place is situated is prepared to act as inviting Government. If the answer is in the affirmative, the Council and the Government concerned shall arrange accordingly. If the answer is in the negative, the Council shall so inform the Members and Associate Members desiring the Conference, and invite alternative suggestions. On receipt of these suggestions, the Council shall, where appropriate, follow the consultation procedure set out in paragraph 3 below.

3. If more than one meeting place or date for the Conference is suggested, the Council shall consult the Government of each of the countries where the places are situated. When the views of the Governments have been ascertained, the Council shall invite all Members and Associate Members to choose one of the meeting places and/or dates which have been ascertained to be available. According to the wishes of the majority of the Members, the Council shall then arrange the Conference in collaboration with the inviting Government.

4. All Members and Associate Members shall dispatch their replies to a communication from the Administrative Council regarding the date and meeting place for a Conference in time for the replies to reach the Council within six weeks of the date of the communication from the Council.

CHAPTER 5

Methods of Presentation of Proposals for Consideration at Conferences

To be considered by the Conference, all proposals, the adoption of which will require revision of the text of the Convention or Regulations, must carry references identifying by Chapter, Article or Paragraph number those parts of the text which will require such revision.

CHAPTER 6

Rules of Procedure of Conferences

RULE 1

Order of Seating

At sessions of the Plenary Assembly, the delegates, representatives, experts and attachés shall be grouped in delegations, and the delegations shall be seated in the alphabetical order of the French names of the countries represented.

RULE 2

First Session of the Plenary Assembly

The first session of the Plenary Assembly shall be opened by a person appointed by the inviting Government.

RULE 3

Election of the Chairman and Vice-Chairmen

The chairman and the vice-chairmen of the Conference shall be elected at the first session of the Plenary Assembly of the Conference.

RULE 4

Powers of the Chairman

1. The Chairman shall open and close the sessions of the Plenary Assembly, direct the deliberations and announce the results of the voting.
2. He shall also have the general direction of all the work of the Conference.

RULE 5

Secretariat of the Conference

The secretariat of the Conference shall be constituted at the first session of the Plenary Assembly and shall be composed of the personnel of the secretariat of the Union, and, if necessary, of personnel of the administration of the inviting Government.

RULE 6

Appointment of Committees

The Plenary Assembly may appoint committees to examine questions submitted for the consideration of the Conference. These committees may appoint subcommittees, which, in their turn, may appoint sub-subcommittees.

RULE 7

Composition of Committees

1. In plenipotentiary conferences, the committees shall be composed of Delegates of Members and Associate Members which have made application or which have been appointed by the Plenary Assembly.

2. (1) In administrative conferences, the committees may also include representatives of recognized private operating agencies.

(2) Experts of scientific or manufacturing telecommunication organizations, observers of international organizations and persons appearing on behalf of societies, associations, or individuals may participate without vote in the committees, subcommittees, and sub-subcommittees of administrative conferences subject to the provisions of Chapter 2 and Chapter 6, Rule 9, of the General Regulations.

RULE 8

Chairmen, Vice-Chairmen and Reporters of Committees

1. The Chairman of the Conference shall submit for the approval of the Plenary Assembly the choice of the chairman, and of the vice-chairman or vice-chairmen of each committee.

2. The Chairman of each committee shall propose to his committee the nomination of the reporters and the choice of the chairmen, vice-chairmen, and reporters of the subcommittees of that committee.

RULE 9

Participation of Private Societies in Administrative Conferences

Societies, associations or individuals may be authorized by the Plenary Assembly or by committees to present petitions or submit resolutions provided that such petitions or resolutions are countersigned or supported by the Head of the Delegation of the country concerned. Such societies, associations or individuals may also attend certain sessions of these committees, but the speakers shall take part in the discussions only in so far as the Chairman of the Committee, in agreement with the Head of the Delegation of the country concerned, may deem desirable.

RULE 10

Summons to Sessions

The sessions of the Plenary Assembly and the sessions of committees and of subcommittees shall be announced either by letter or by notice posted in the meeting place of the Conference.

RULE 11

Order of Discussion

1. Persons desiring to speak may do so only after having obtained the consent of the Chairman. As a general rule they shall begin by announcing the name of their country or the name of their company and the country where its headquarters are located.

2. Any person speaking must express himself slowly and distinctly, separating his words and pausing frequently so that all his colleagues may be able to follow his meaning clearly.

RULE 12

Proposals Presented Before the Opening of the Conference

Proposals presented before the opening of the Conference shall be allocated by the Plenary Assembly to the appropriate committees appointed in accordance with Chapter 6, Rule 6, of the General Regulations.

RULE 13

Proposals Presented During a Conference

1. No proposal or amendment shall be submitted unless it is countersigned or supported by the Head of the Delegation of the country concerned or by his deputy.

2. The Chairman of the Conference shall decide whether the proposal or the amendment shall be announced to all delegations by distribution of copies or merely by oral statement.

3. At sessions of the Plenary Assembly, any authorized individual may read or request to be read, any proposal or amendment presented by him during a conference and may be allowed to explain his reasons therefor.

RULE 14

Proposals Presented to Committees During a Conference

1. Proposals and amendments presented after the opening of a conference must be delivered to the Chairman of the appropriate committee, or in case of doubt as to the appropriate committee, to the Chairman of the Conference.

2. Every proposal and amendment for modification of the Convention or the Regulations must be presented in the definitive form of words to be included in those documents.

3. The Chairman of the Committee concerned shall decide whether the proposal or amendment shall be announced to all members of the Committee by distribution of copies or merely by oral statement.

RULE 15

Postponed Proposals

When a proposal or an amendment has been reserved or when its examination has been postponed, the Delegation sponsoring it shall be responsible for seeing that it is not subsequently overlooked.

RULE 16

Voting Procedure in Sessions of the Plenary Assembly

1. In sessions of the Plenary Assembly each proposal or amendment shall be submitted to a vote after discussion.

2. For a valid vote to be taken at a session of the Plenary Assembly at least one-half of the delegations accredited to the Conference and having the right to vote must be present or represented at the session during which the vote is cast.

3. Voting shall take place by a show of hands. If a majority is not clearly apparent even after a recount has been taken, or if an individual count of the votes is requested, there shall be a roll call in the alphabetical order of the French names of the Members.

4. In sessions of the Plenary Assembly, no proposal or amendment shall be adopted unless it is supported by a majority of the delegations present and voting. In determining the number of votes required for a majority, abstentions shall not be taken into account. In case of a tie the measure shall be considered rejected.

5. Exceptions to the above rule shall be made with respect to membership in the Union, in which case the procedure shall be in accordance with that prescribed in Article 1 of the Convention.

6. If the number of abstentions exceeds one-half of the number of delegations present and voting, the measure shall be reconsidered at a subsequent session, at which time the abstentions shall not be taken into consideration.

7. If five or more delegations, present and entitled to vote, request, when a vote is about to be taken, that it shall be taken by secret ballot, this shall be done. The necessary steps shall be taken to guarantee secrecy.

RULE 17

Right of Vote and Voting Procedure in Committees

1. The right of vote in Committees shall be governed by Chapter 3 of the General Regulations.

2. Voting procedure in Committees shall be governed by the provisions of paragraphs 1, 3, 4, and 6 of Rule 16, of Chapter 6, of the General Regulations.

RULE 18

Adoption of New Provisions

1. As a general rule, delegations which cannot have their opinion regarding a provision accepted by the others must endeavour to adopt the opinion of the majority.

2. However, if the measure proposed appears to a delegation to be of such a nature as to prevent its Government from ratifying the Convention or approving the Regulations, the delegation may express reservations final or provisional, regarding this measure.

RULE 19

Minutes of the Sessions of the Plenary Assembly

1. The minutes of the sessions of the Plenary Assembly shall be drawn up by the secretariat of the Conference.

2. (1) As a general rule, the minutes shall contain only the proposals and conclusions, with the chief reasons for them in concise terms.

(2) However, each delegate, representative or observer, shall have the right to require the insertion in the minutes, either summarized or in full, of any statement which he has made. In such case, he must himself supply its text to the secretariat of the Conference within two hours after the end of the session. It is recommended that this right shall only be used with discretion.

RULE 20

Reports of Committees

1. (1) The debates of the committees and subcommittees shall be summarized, session by session, in reports in which shall be brought out the essential points of the discussion, the various opinions which are expressed and which it is desirable that the Plenary Assembly should know, and the proposals and conclusions which emerge.

(2) However, each delegate, representative or observer shall have the right to require the insertion in the report, either summarized or in full, of any statement which he has made. In such case, he must himself supply to the reporter the text to be inserted within two hours after the end of the session. It is recommended that this right shall only be used with discretion.

2. If circumstances warrant, the committees or subcommittees shall prepare at the end of their work a final report in which they shall recapitulate in concise terms the proposals and the conclusions which result from the studies which have been entrusted to them.

RULE 21

Adoption of Minutes and Reports

1. (1) As a general rule, at the beginning of each session of the Plenary Assembly, or of each session of a committee or of a subcommittee, the minutes or the report, of the preceding session shall be read.

(2) However, the Chairman may, if he considers such procedure satisfactory, and if no objection is raised, merely ask if any members of the Plenary Assembly, the Committee or the subcommittee, have any remarks to make on the content of the minutes or of the report.

2. The minutes or the report shall then be adopted or amended in accordance with the remarks which have been made and which have been approved by the Plenary Assembly, or by the committee or subcommittee.

3. Any final report must be approved by the respective committee or subcommittee.

4. (1) The minutes of the closing session of the Plenary Assembly shall be examined and approved by the Chairman of the Conference.

(2) The report of the last session of a committee or of a subcommittee shall be examined and approved by the Chairman of the committee or subcommittee.

RULE 22

Editorial Committee

1. The texts of the Convention or of the Regulations, which shall be worded so far as practicable in their definitive form, by the various committees, following the opinions expressed, shall be submitted to an editorial committee charged with perfecting their form without altering the sense and with combining them with those parts of the former texts which have not been altered.

2. The whole of the revised texts shall be submitted for the approval of the Plenary Assembly of the Conference which shall decide on them, or refer them back to the appropriate committee for further examination.

RULE 23

Numbering

1. The numbers of the chapters, articles and paragraphs of the texts subjected to revision shall be preserved until the first reading at a session of the Plenary Assembly. The passages added shall bear provisionally the numbers bis, ter, etc. and the numbers of deleted passages shall not be used.

2. The definitive numbering of the chapters, articles and paragraphs shall be entrusted to the Editorial Committee after their adoption following the first reading.

RULE 24

Final Approval

The texts of the Convention and of the Regulations shall be final after they have been read a second time and approved.

RULE 25

Signature

The final texts approved by the Conference shall be submitted for signature to the delegates provided with the necessary powers in the alphabetical order of the French names of the countries.

RULE 26

Press Notices

Official releases to the press about the work of the Conference shall be issued only as authorized by the Chairman or a Vice-Chairman of the Conference.

RULE 27

Franking Privileges

While attending conferences and meetings provided for in the Convention, Delegates and Representatives, as defined in the Annex to the Convention, the Secretary General, Assistant Secretaries General, Officials of the Secretariat of the Union and Members of the Administrative Council, shall be entitled to postal, telegraph and telephone franking privileges, to the extent arranged by the Government of the country in which the conference or meeting is held, in agreement with the other contracting governments and with the private operating agencies concerned.

PART II

INTERNATIONAL CONSULTATIVE COMMITTEES

CHAPTER 7

General Provisions

1. The provisions of Part II of the General Regulations supplement Article 8 of the Convention defining the scope and structure of the International Consultative Committees.
2. Consultative Committees shall also observe the applicable Rules of Procedure of Conferences contained in Part I of the General Regulations.

CHAPTER 8

Conditions for Participation

1. (1) The International Consultative Committees shall have as members:
 - a) as of right; Administrations of Members and Associate Members of the Union;
 - b) upon request; such recognized private operating agencies as have expressed a desire to have their experts participate in the work of the Committees, subject to the procedure indicated below.
 - (2) The first request from a recognized private operating agency to take part in the work of a Consultative Committee shall be addressed to the Secretary General who shall inform all the Members and Associate Members of the Union and the Director of the Consultative Committee concerned. A request from a private operating agency must be approved by the Administration of the Government recognizing it.
 - (3) Any private operating agency, member of a Consultative Committee, shall have the right to withdraw from participation in the work of this Consultative Committee when it so desires, by notifying the Director of the Committee. The withdrawal shall become effective one year from the date of the notification.
2. (1) International organizations, which are coordinating their work with the International Telecommunication Union and which have related activities, may be admitted to participate in the work of the Consultative Committees in an advisory capacity.
 - (2) The first request from an international organization to take part in the work of a Consultative Committee shall be addressed to the Secretary General who shall invite by telegram all the Members and Associate Members of the Union to say whether the request should be granted; the request shall be granted if the majority of the replies of the members received within a period of one month are favourable. The Secretary General shall inform all the Members and Associate Members of the Union and the Director of the Consultative Committee concerned of the result of the consultation.
3. (1) Scientific or manufacturing organizations, which are engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services, may be admitted to participate in an advisory capacity in meetings of the Study Groups of the Consultative Committees, provided that their participation has received the approval of the administrations of the countries concerned.
 - (2) The first request from a scientific or manufacturing organization for admission to meetings of Study Groups of a Consultative Committee shall be addressed to the Director of the Consultative Committee; such a request must be approved by the administration of the country concerned.

CHAPTER 9

Duties of the Plenary Assembly

The duties of the Plenary Assembly shall be to approve for issue, to modify or to reject recommendations submitted to it by the Study Groups and to draw up lists of new questions to be studied, in accordance with paragraph 2 of Article 8 of the Convention. It shall submit to the Administrative Council a statement of the financial accounts of the Consultative Committee concerned.

CHAPTER 10

Meetings of the Plenary Assembly

1. The Plenary Assembly shall normally meet every two years, provided that a meeting shall take place about one year previous to the meeting of the relative Administrative Conference.

2. The date of the meeting of a Plenary Assembly may be advanced or postponed, with the approval of at least twelve participating countries, according to the state of progress of work of the Study Groups.

3. Each meeting of a Plenary Assembly shall be held in a place fixed by the previous meeting of the Plenary Assembly.

4. At each of these meetings, the Plenary Assembly shall be presided over by the Head of the Delegation of the country in which the meeting is held; the Chairman shall be assisted by Vice-Chairmen elected by the Plenary Assembly.

5. The Secretariat of the Plenary Assembly of a Consultative Committee shall be composed of the specialized Secretariat of that Consultative Committee, with the help, if necessary, of the personnel of the administration of the inviting Government and of the General Secretariat of the Union.

CHAPTER 11

Languages and Method of Voting in Sessions of the Plenary Assemblies

1. The languages used in the Plenary Meetings and in the official documents of the Consultative Committees shall be as provided in Article 15 of the Convention.

2. The Members which are authorized to vote at sessions of Plenary Assemblies of the Consultative Committees shall be as provided in Article 1, paragraph 3 (2) of the Convention. However, when a country is not represented by an administration, the representatives of the recognized private operating agencies of that member country shall, as a whole, and regardless of their number, be entitled to a single vote.

CHAPTER 12

Composition of Study Groups

The Plenary Assembly shall set up the necessary Study Groups to deal with questions to be studied; it shall designate the administrations, private operating agencies, international organizations and scientific and manufacturing organizations which shall take part in the work of the Study Groups; it shall name the Group Chairman who shall preside over each of the Study Groups.

CHAPTER 13

Treatment of Business

1. If a Study Group cannot solve a question by correspondence, the Group Chairman may, with the approval of his Administration suggest a meeting at a convenient place to discuss the question orally.

2. However, in order to avoid unnecessary journeys and prolonged absences, the Director of a Consultative Committee, in agreement with the Group Chairmen of the various Study Groups concerned, shall draw up the general plan of meetings of groups of Study Groups which are to meet in the same place during the same period.

3. The Director shall send reports made as a result of correspondence or of meetings, to the participating administrations, and to the private operating agencies which are members of the Consultative Committee. These shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next meeting of the Plenary Assembly. Questions which have not formed the subject of a report furnished in this way shall not appear in the agenda for the meeting of the Plenary Assembly.

CHAPTER 14

Duties of the Director. Specialized Secretariat

1. (1) The Director of a Consultative Committee shall coordinate the work of the Study Groups and of the Plenary Assembly.

(2) He shall keep a file of all the correspondence of the Committee.

(3) The Director shall be assisted by a secretariat composed of a specialized staff to work under his direction and to aid him in the organization of the work of the Committee.

(4) The Director of the C.C.I.R. shall also be assisted by a Vice-Director in accordance with Article 8 of the Convention.

2. The Director shall choose the technical and administrative members of the secretariat within the framework of the budget as approved by the Plenipotentiary Conference or the Administrative Council. The appointment of the technical and administrative personnel is made by the Secretary General in agreement with the Director.

3. The Director shall participate as of right, but in an advisory capacity, in meetings of the Plenary Assembly and of the Study Groups. He shall make all necessary preparations for meetings of the Plenary Assembly and of the Study Groups.

4. The Vice-Director of the C.C.I.R. shall participate as of right in an advisory capacity in meetings of the Plenary Assembly and of the Study Groups when questions in which he is concerned are on the Agenda.

5. The Director shall submit to the Plenary Assembly a report on the activities of the Consultative Committee since the last meeting of the Plenary Assembly. After approval, this report shall be sent to the Secretary General of the Union.

6. The Director shall submit for the approval of the Plenary Assembly an estimate of the expenditure proposed for each of the next two years; after its approval by the Plenary Assembly, the Director shall send this estimate to the Secretary General of the Union, to be embodied in the annual estimates of the Union.

CHAPTER 15

Preparation of Proposals for Administrative Conferences

One year before the appropriate Administrative Conference, representatives of the interested Study Groups of each International Consultative Committee shall correspond with or meet with representatives of the Secretariat of the Union in order to extract, from the recommendations issued by it since the preceding Administrative Conference, proposals for modification of the relative set of Regulations.

CHAPTER 16

Relations of Consultative Committees Between Themselves and with Other International Organizations

1. International Consultative Committees may form joint Study Groups to study and make recommendations on questions of common interest.

2. Any Consultative Committee may appoint a representative to attend, in an advisory capacity, meetings of other committees of the Union or other international organizations to which this Consultative Committee has been invited.

3. The Secretary General of the Union, or one of the two Assistant Secretaries General, the representatives of the International Frequency Registration Board, and the Directors of the other Consultative Committees of the Union or their representatives may attend meetings of the Consultative Committees in an advisory capacity.

CHAPTER 17

Finances of International Consultative Committees

1. The salaries of the Directors of the International Consultative Committees, including the salary of the Vice-Director of the C.C.I.R., and the ordinary expenses of the specialized secretariats shall be included in the ordinary expenses of the Union in accordance with the provisions of Article 14 of the Convention.

2. The expenses of the meetings of the Plenary Assemblies and of the meetings of the Study Groups, including the extraordinary expenses of the Directors, the Vice-Director of the C.C.I.R., and of the whole of the Secretariat employed at such meetings shall be borne in the manner described below, by the administrations, private operating agencies and scientific or manufacturing organizations participating in such meetings.

3. An administration wishing to take part in the work of a Consultative Committee shall address a declaration to that effect to the Secretary General. This declaration shall include an undertaking to contribute to the extraordinary expenses of that Committee as set forth in the preceding paragraph, and also to pay for all documents supplied. This undertaking shall take effect as from the close of the meeting of the Plenary Assembly preceding the date of the declaration and shall remain in force until terminated by the administration concerned. Any notice of termination shall take effect as from the close of the meeting of the Plenary Assembly following the date of such notice. An administration giving notice of termination shall, however, be entitled to receive all documents pertaining to the last meeting of the Plenary Assembly held during the period of validity of its undertaking.

4. (1) Any private operating agency member of a Consultative Committee must contribute to the expenses referred to in paragraph 2 above and must pay for the documents with which it is supplied as from the close of the meeting of the Plenary Assembly immediately preceding the date of its application as provided for in Chapter 8, paragraph 1 (2) of the General Regulations. This obligation shall continue until any notice of withdrawal, made in accordance with Chapter 8, paragraph 1 (3) of the General Regulations, becomes effective.

(2) The provisions of paragraph 4 (1) above shall apply to scientific or manufacturing organizations and also to international organizations unless these latter are specifically exempted by the Administrative Council in accordance with Article 14 of the Convention.

5. The expenses of the Consultative Committees defined in paragraph 2 above shall be apportioned among the administrations which have undertaken to contribute, in proportion to the number of units which the respective Governments contribute to the ordinary expenses of the Union under Article 14 of the Convention. Private operating agencies, international organiza-

tions and scientific or manufacturing organizations which have undertaken to contribute shall declare the class in which they wish to be placed for this purpose.

6. Each administration, private operating agency, international organization and scientific or manufacturing organization shall defray the personal expenses of its own participants.

ANNEX 5

(See Article 26)

Agreement Between the United Nations and the International Telecommunications Union

PREAMBLE

In consideration of the provisions of Article 57 of the Charter of the United Nations and of Article 26 of the Convention of the International Telecommunications Union of Atlantic City 1947, the United Nations and the International Telecommunications Union agree as follows:

ARTICLE I

The United Nations recognizes the International Telecommunications Union (hereinafter called "the Union") as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

ARTICLE II

Reciprocal Representation

1. The United Nations shall be invited to send representatives to participate, without vote, in the deliberations of all the Plenipotentiary and Administrative Conferences of the Union. It shall also, after appropriate consultation, be invited to send representatives to attend international consultative committees or any other meetings convened by the Union with the right to participate without vote in the discussion of items of interest to the United Nations.

2. The Union shall be invited to send representatives to attend meetings of the General Assembly of the United Nations for the purposes of consultation on telecommunication matters.

3. The Union shall be invited to send representatives to be present at the meetings of the Economic and Social Council of the United Nations and of the Trusteeship Council and of their commissions or committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

4. The Union shall be invited to send representatives to attend meetings of the main committees of the General Assembly when matters within the

competence of the Union are under discussion and to participate, without vote, in such discussions.

5. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

ARTICLE III

Proposal of Agenda Items

After such preliminary consultation as may be necessary, the Union shall include on the agenda of Plenipotentiary or Administrative Conferences or meetings of other organs of the Union, items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the Conferences or other organs of the Union.

ARTICLE IV

Recommendations of the United Nations

1. The Union, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Economic and Social Council under Article 62 of the Charter to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter; to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to its appropriate organ for such action as may seem proper of all formal recommendations which the United Nations may make to it.

2. The Union agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations or on the other results of their consideration.

3. The Union will co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to co-operate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such co-ordination and to furnish such information as may be required for the carrying out of this purpose.

ARTICLE V

Exchange of Information and Documents

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of appropriate information and documents shall be made between the United Nations and the Union to meet the requirements of each.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

a) The Union shall submit to the United Nations an annual report on its activities;

b) The Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information;

c) The Secretary General of the United Nations shall, upon request, consult with the appropriate authority of the Union with a view to providing to the Union such information as may be of special interest to it.

ARTICLE VI

Assistance to the United Nations

The Union agrees to co-operate with and to render all possible assistance to the United Nations, its principal and subsidiary organs, in accordance with the United Nations Charter and the International Telecommunication Convention, taking fully into account the particular position of the individual members of the Union who are not members of the United Nations.

ARTICLE VII

Relations with the International Court of Justice

1. The Union agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the Union to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions concerning the mutual relationships of the Union and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Plenipotentiary Conference or the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference.

4. When requesting the International Court of Justice to give an advisory opinion the Union shall inform the Economic and Social Council of the request.

ARTICLE VIII

Personnel Arrangements

1. The United Nations and the Union agree to develop as far as practicable common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the Union agree to co-operate to the fullest extent possible in achieving these ends.

ARTICLE IX

Statistical Services

1. The United Nations and the Union agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world. All decisions as to the form in which its service documents are compiled rest with the Union.

4. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Union for incorporation in its basic statistical series or special reports should so far as practicable be made available to the United Nations upon request.

5. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should so far as practicable and appropriate be made available to the Union upon request.

ARTICLE X

Administrative and Technical Services

1. The United Nations and the Union recognize the desirability, in the interests of the most efficient use of personnel and resources, of avoiding,

whenever possible, the establishment of competitive or overlapping services, and when necessary to consult thereon to achieve these ends.

2. Arrangements shall be made between the United Nations and the Union in regard to the registration and deposit of official documents.

ARTICLE XI

Budgetary and Financial Arrangements

1. The budget or the proposed budget of the Union shall be transmitted to the United Nations at the same time as such budget is transmitted to the members of the Union and the General Assembly may make recommendations thereon to the Union.

2. The Union shall be entitled to send representatives to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Union is under consideration.

ARTICLE XII

Financing of Special Services

1. In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Article VI or with any other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Union shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance requested by the Union and provided by the United Nations.

ARTICLE XIII

Inter-Agency Agreements

1. The Union agrees to inform the Economic and Social Council of the nature and scope of any formal agreement contemplated between the Union and any other specialized agency or other intergovernmental organization or international non-governmental organization, and further will inform the Economic and Social Council of the details of any such agreement, when concluded.

2. The United Nations agrees to inform the Union of the nature and scope of any formal agreement contemplated by any other specialized agencies on matters which might be of concern to the Union and further will inform the Union of the details of any such agreement, when concluded.

ARTICLE XIV

Liaison

1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply, as far as appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

ARTICLE XV

United Nations Telecommunication Services

1. The Union recognizes that it is important that the United Nations shall benefit by the same rights as the members of the Union for operating telecommunication services.

2. The United Nations undertakes to operate the telecommunication services under its control in accordance with the terms of the International Telecommunication Convention and the regulations annexed thereto.

3. The precise arrangements for implementing this article shall be dealt with separately.

ARTICLE XVI

Implementation of Agreement

The Secretary General of the United Nations and the appropriate authority of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable.

ARTICLE XVII

Revision

On six months' notice given on either part, this Agreement shall be subject to revision by agreement between the United Nations and the Union.

ARTICLE XVIII

Entry into Force

1. This agreement will come into force provisionally after approval by the General Assembly of the United Nations and the Plenipotentiary Telecommunications Conference at Atlantic City in 1947.

2. Subject to the aforementioned approvals, the agreement will formally enter into force at the same time as the International Telecommunication

Convention concluded at Atlantic City in 1947 or at some earlier date as may be arranged for by a decision of the Union.

LAKE SUCCESS, *August 1947*

WALTER KOTSCHNIG
*Acting Chairman of the Committee of the
Economic and Social Council on Negoti-
ations with Specialized Agencies.*

SIR HAROLD SHOEBERT
*Chairman of the Negotiating Committee
of the International Telecommunications
Union.*

FINAL PROTOCOL OF SIGNATURE OF THE ACTS OF THE INTERNATIONAL TELECOMMUNICATION CONFERENCE OF ATLANTIC CITY

At the time of signing the International Telecommunication Convention of Atlantic City, the undersigned plenipotentiaries take note of the following statements:

I

FOR CANADA

The signature of Canada to this Convention is subject to the reservation that Canada does not accept Paragraph 3 of Article 13 of the Atlantic City Convention. Canada agrees to be bound by the Radio Regulations annexed to this Convention but does not at present agree to be bound by the Additional Radio Regulations nor by any Telegraph Regulations or Telephone Regulations.

II

FOR THE REPUBLIC OF CHILE

The Chairman of the Delegation from Chile in signing the Radio Regulations of Atlantic City makes a provisional reservation in regard to the provisions of paragraphs 990, 991, 992, 994, 995, 996 and 997 of Section II of Article 41 of said Regulations.

The Chairman of the Delegation from Chile in signing the International Telecommunication Convention of Atlantic City, makes a provisional reservation in regard to the provisions of Article 39 of the Atlantic City Convention.

III

FOR THE REPUBLIC OF COLOMBIA

The Republic of Colombia formally declares that the Republic of Colombia does not, by signature of this Convention on its behalf, accept any obligation in respect to the Telephone Regulations referred to in Article 13 of the Atlantic City Convention.

IV

FOR THE REPUBLIC OF ECUADOR

The Republic of Ecuador formally declares that by signature of this Convention, it does not accept any obligation in respect to the Telegraph Regulations, the Telephone Regulations, or the Additional Radio Regulations, referred to in Article 13 of the Atlantic City Convention.

V

FOR THE UNITED STATES OF AMERICA

Signature of this Convention for and in the name of the United States of America constitutes, in accordance with its constitutional processes, signature also on behalf of all territories of the United States of America.

The United States of America formally declares that the United States of America does not, by signature of this Convention on its behalf, accept any obligation in respect of the Telegraph Regulations, the Telephone Regulations, or the Additional Radio Regulations referred to in Article 13 of the Atlantic City Convention.

VI

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS

When signing the International Telecommunication Convention, the U.S.S.R. Delegation declared formally its disagreement with paragraph 2, article 1 of the Convention which it finds legally unfounded and contradictory to the other articles of the Convention and to the resolution of Madrid Telecommunication Conference.

At the same time the U.S.S.R. Delegation considers it unjustified that the following sovereign states, fully fledged participants of the Madrid Convention were without any legal foundation not included in the list of members of the Union set forth in Annex 1: the Latvian Soviet Socialist Republic, the Lithuanian Soviet Socialist Republic, the Estonian Soviet Socialist Republic and the People's Republic of Mongolia.

The U.S.S.R. Delegation is of the opinion that the whole status of Membership in the International Telecommunication Union should be brought up for revision at the next plenipotentiary conference.

VII

FOR THE REPUBLIC OF CHINA

The Republic of China formally declares that the Republic of China does not, by signature of this Convention, accept any obligation in respect of the Telephone Regulations referred to in Article 13 of the Atlantic City Convention.

VIII

FOR THE REPUBLIC OF THE PHILIPPINES

The signature of the Republic of the Philippines to the Atlantic City Convention is subject to the reservation that, for the present, it cannot agree to be bound by the Telephone and Telegraph Regulations referred to in Paragraph 3 of Article 13 of the above-mentioned Convention.

IX

FOR PAKISTAN

The Delegation of Pakistan formally declares that Pakistan does not, by signature of this Convention on its behalf, accept any obligation in respect of the Telephone Regulations referred to in Article 13 of this Convention.

X

FOR THE REPUBLIC OF PERU

The Chairman of the Delegation of Peru, in signing the Atlantic City Convention, makes a provisional reservation with respect to the obligations established in Article 13 of the said Convention, in relation to the Telegraph Regulations, Telephone Regulations and Additional Radio Regulations.

XI

FOR THE REPUBLIC OF CUBA

Signature of this Convention for and in the name of Cuba is subject to the reservation that Cuba does not accept, in regard to the Telephone Regulations, Paragraph 3 of Article 13 of the Atlantic City Convention.

XII

FOR THE UNITED STATES OF VENEZUELA

The United States of Venezuela formally declares that the United States of Venezuela, does not, by signature of this Convention on its behalf, accept any obligation in respect to the Telegraph Regulations, the Telephone Regulations or the Additional Radio Regulations referred to in Article 13 (Regulations).

XIII

FOR THE ORIENTAL REPUBLIC OF URUGUAY

The Delegation of the Oriental Republic of Uruguay formally declares that by signature of this Convention the Oriental Republic of Uruguay does not accept any obligation in respect of the Telegraph Regulations, Tele-

phone Regulations, or Additional Radio Regulations referred to in Article 13 of the Atlantic City Convention.

XIV

FOR THE KINGDOM OF SAUDI ARABIA

The Saudi Arabian Delegation, in signing this Convention, reserves for its Government the right to accept or not accept any obligation in respect of the Telegraph Regulations, Telephone Regulations, the Radio Regulations or the Additional Radio Regulations referred to in Article 13 of the Atlantic City Convention.

XV

FOR THE REPUBLIC OF PANAMA

The Republic of Panama formally declares that by signature of this Atlantic City Convention of 1947, it does not accept any obligation in respect of the Telegraph Regulations, the Telephone Regulations, or the Additional Radio Regulations referred to in Article 13.

XVI

FOR MEXICO

The Mexican Delegation states that the signing of the International Telecommunication Convention of Atlantic City does not oblige the Mexican Government to accept the Telegraph Regulations, nor the Telephone Regulations, nor the Additional Radio Regulations referred to in Article 13 of the above-mentioned Convention.

XVII

FOR ETHIOPIA

The Delegation of Ethiopia formally declares that it makes a temporary reservation in relation to Protocol I, concerning the Transitional Arrangements, as its powers are expressly subject to the limitation that all its signatures are subject to ratification.

XVIII

FOR IRAQ

Signature of this Convention on behalf of Iraq is subject to reservation in regard to the right of Iraq to accept or not accept the Telephone Regulations and Telegraph Regulations referred to in Article 13.

In witness whereof, the respective plenipotentiaries have signed this Final Protocol of Signature in each of the English and French languages, in a single copy, which shall remain deposited in the archives of the Government of the United States of America and one copy of which shall be forwarded to each signatory government.

Done at Atlantic City, October 2, 1947.

For the People's Republic of Albania:
THEODOR HEBA

For the Kingdom of Saudi Arabia:
AHMED ABDUL JABBAR

For the Argentine Republic:
HAROLD CAPPUS
ANIBAL F. IMBERT
EDUARDO A. NAVARRO
MARCO A. ANDRADA
A. NAVATTA
O. IVANISSEVICH
JUAN B. OTHEGUY
F. DELLAMULA

For the Commonwealth of Australia:
L. B. FANNING
R. V. MCKAY

For Austria:
Ing. F. HENNEBERG

For Belgium:
R. CORTEIL
R. LECOMTE
L. LAMBIN

For the Bielorussian Soviet Socialist
Republic:
L. KOSTIUSHKO

For Burma:
MAUNG MAUNG TIN

For Brazil:
ROMEU DE A GOUVEIA E SILVA
LAURO AUGUSTO DE MEDEIROS
JOAO VICTORIO PARETO NETO
HORACIO DE OLIVEIRA E CASTRO

For Bulgaria:
B. ATHANASSOV

For Canada:
THOMAS A. STONE

For Chile:
I. CARRASCO

For China:
LIU CHIEH
JU-TSU HWANG
T. C. LOO
Dr. YU-YUEH MAO
TENG NAI-HONG
T. K. WANG
S. S. WONG

For the State of Vatican City:
FILIPPO SOCCORSI
WILLIAM C. SMITH

For the Republic of Colombia:
C. E. ARBOLEDA
SANTIAGO QUIJANO C.
LUIS CARLO GUZMAN

For the Portuguese Colonies:
ARNALDO DE PAIVA CARVALHO
THEODORO DE MATOS FERREIRA DE
AGUIAR
MARIO MONTEIRO DE MACEDO

For the Colonies, Protectorates, Over-
seas Territories and Territories
under mandate or trusteeship of the
United Kingdom of Great Britain
and Northern Ireland:
HUGH TOWNSHEND
LEONARD V. LEWIS

For the Colonies, Protectorates, and
Overseas Territories under French
Mandate:
J. LALUNG

For the Belgian Congo and Territories
of Ruanda Urundi:
GEULETTE

For Cuba:
NICOLAS G. DE MENDOZA
M. TORRES MENIER
A. H. CATA
Dr. RAMÓN L. BONACHEA
R. SARABASA

For Denmark:
N. E. HOLMBLAD
K. LOMHOLDT
GUNNAR PEDERSEN

For the Dominican Republic:
SEBASTIAN RODRIGUEZ
M. E. NANITA

For Egypt:
SH. ABAZA
ANIS EL BARDAI

For the Republic of El Salvador:
CARLOS GARCIA BAUER
B. HERRARTE L.

For Ecuador:
HUMBERTO MANCHENO L.

For the United States of America:
CHARLES R. DENNY
FRANCIS COLT DE WOLF

For Ethiopia:
H. ALEMAYEHOU

- For Finland:
V. YLOSTALO
- For France:
LAFFAY
- For Greece:
STAMATIOS NIKOLIS
STEPHANOS ELEFThERIOU
- For Guatemala:
CARLOS GARCIA BAUER
B. HERRARTE L.
- For Haiti:
JULES DOMOND
- For Honduras:
G. MONTES
- For Hungary:
PAUL MARIK
- For India:
S. BANERJI
H. R. THADHANI
M. RAJAGOPAUL
- For the Netherlands Indies:
SCHIPPERS
H. VAN DER VEEN
J. J. VAN RIJSINGE
G. COENEN
F. LEIWAKABESSY
- For Iran:
F. NOURY ESFANDIARY
- For Iraq:
JAMIL HAMDI
RAGHID RASHID
- For Ireland:
LEON O'BROIN
T. S. O'MUINEACHAIN
M. O'DOCHARTAIGH
- For Iceland:
G. J. HLIDDAL
G. BRIEM
- For Italy:
G. GNEME
ANTONIO PENNETTA
SETTIMIO AURINI
LUIGI SACCO
VITTORIO DE PACE
- For Lebanon:
J. NAMMOUR
- For Luxembourg:
HUGUES LE GALLAIS
- For Mexico:
E. AZCARRAGA
A. M. V.
AUGUSTIN FLORES U.
L. BARAJAS G.
- For Monaco:
ARTHUR CROVETTO
- For Nicaragua:
FRANCISCO P. MEDAL
- For Norway:
SV. RYNNING-TOENNESSEN
LEIF LARSEN
ANDREAS STRAND
- For New Zealand:
H. W. CURTIS
T. R. CLARKSON
- For Pakistan:
M. S. KARI
S. A. SATHAR
- For Panama:
J. E. HUERTEMATTE
- For the Netherlands, Curaçao and
Surinam:
J. D. H. V D TOORN
A. SPAANS
A. DEN HARTOG
H. VAN DER VEEN
- For Peru:
MIGUEL FLOREZ
- For the Republic of the Philippines:
NARCISO RAMOS
JOSE S. ALFONSO
- For the Republic of Poland:
EUGENIUSZ STALINGER
K. SZYMANSKI
- For Portugal:
CARLOS RIBEIRO
A. M. BIVAR
JORGE RAMOS PEREIRA
OSCAR SATURNINO
M. AMARO VIEIRA
FERREIRA MONTEIRO
- For the French Protectorates of Morocco
and Tunisia:
For Morocco:
M. LACROZE
For Tunisia:
J. DEZES

- For the People's Federal Republic of Yugoslavia:
 JOSIP CULJAT
 Dr. D. V. POPOVIC
- For the Ukrainian Soviet Socialist Republic:
 M. GOLOVNIN
- For Southern Rhodesia:
 HUGH TOWNSHEND
- For Romania
 REMUS LULA
- For the United Kingdom of Great Britain and Northern Ireland:
 HUGH TOWNSHEND
 LEONARD V. LEWIS
- For Siam:
 LUANG PRAISANEE THURANURAK
- For Sweden:
 HAKAN STERKY
 ARTUR ONNERMARK
- For the Swiss Confederation:
 VICTOR NEF
 Dr. F. HESS
 A. MOCKLI
 Dr. V. TUASON
 Dr. E. METSLER
- For Syria:
 SAMIH MOUSSLY
- For Czechoslovakia:
 Ing. JINDRICH KRAPKA
 Ing. J. EHRlich
 Ing. JAROMIR SVOBODA
 Dr. JAN BUSÁK
- For Turkey:
 N. TONER
 I. S. ESGUN
 NEJAT SANER
- For the Union of South Africa and the mandated territory of South-West Africa:
 E. C. SMITH
 W. A. BORLAND
 H. S. MILLS
- For the Union of Soviet Socialist Republics:
 A. D. FORTOUSHENKO
 L. KOPYTIN
 V. BRAGIN
 F. ILIUKEVICH
 A. NIKITINA
 A. CHTCHETINIÑE
- For the Oriental Republic of Uruguay:
 Col. RAFAEL J MILANS
- For the United States of Venezuela:
 RENATO GUTIERREZ R.
 P. PACHANO
 G. SIBLESZ

[For text of radio regulations annexed to the convention, see 63 Stat. 1581 or p. 203 of TIAS 1901.]

ADDITIONAL PROTOCOLS TO THE ACTS OF THE INTERNATIONAL TELECOMMUNICATION CONFERENCE OF ATLANTIC CITY

At the time of signing the International Telecommunication Convention of Atlantic City, the undersigned plenipotentiaries have signed the following additional protocols:

I

PROTOCOL

Concerning Transitional Arrangements

The International Telecommunication Conference of Atlantic City has agreed to the following arrangements to ensure the satisfactory functioning

of the Union and to facilitate the application of the International Telecommunication Convention of Atlantic City upon its coming into force on January 1, 1949:

1. (1) *The Administrative Council* shall be set up forthwith in accordance with the provisions of Article 5 of the Atlantic City Convention and shall forthwith function on a provisional basis until the coming into force of that Convention. It will hold its first meeting at Atlantic City.

(2) At that meeting the Administrative Council shall elect its Chairman and Vice-Chairmen and shall plan its work for the transitional period ending December 31, 1948, with a view to taking over, on January 1, 1949, its permanent functions.

2. (1) *The International Frequency Registration Board* shall be set up forthwith in accordance with the provisions of Article 6 of the Atlantic City Convention and shall function on a provisional basis until the coming into force of the said Convention.

(2) It will hold its first meeting at Atlantic City. For that meeting the Members of the Board may make temporary unpaid appointments of technically qualified persons without regard to all the conditions laid down in Article 6 of the Convention.

(3) At that meeting the Board shall be organized and its work shall be planned for the transitional period between January 1, 1948 and December 31, 1948, in accordance with the decisions taken by the International Radio Conference of Atlantic City with a view to its permanent establishment as provided for in the Convention of Atlantic City.

3. (1) *The General Secretariat* shall be set up forthwith in accordance with the provisions of Article 9 of the Atlantic City Convention. Until the coming into force of that Convention, it shall function on a provisional basis. With the consent of the Swiss Government, its posts shall be filled as far as possible by the corresponding officials of the present Bureau in order to facilitate the transfer of duties upon the date of the coming into force of the Atlantic City Convention.

(2) Exceptionally, in derogation of that Convention, the International Telecommunication Conference of Atlantic City appoints the first holders of the posts of Secretary General and Assistant Secretaries General. The present Director of the Bureau, Mr. F. von Ernst, is hereby appointed as Secretary General and the present Vice-Directors, Mr. Leon Mulatier and Mr. Gerald C. Gross, are appointed as Assistant Secretaries General. These officials shall perform the functions as provided for them in the Convention.

4. During the interim period the Secretary General shall send to all Members of the Union notification of the deposit of instruments of ratification and accession as provided in Articles 16 and 17 of the Convention.

II

PROTOCOL

Concerning Germany and Japan

It is hereby agreed that Germany and Japan may accede to the International Telecommunication Convention of Atlantic City by fulfilling the provisions of Article 17 thereof at such time as the responsible authorities consider such accession appropriate. The formalities prescribed by Article 1 of that Convention shall not apply to these two countries.

III

PROTOCOL

Concerning Spain, the Spanish Zone of Morocco and the Totality of Spanish Possessions

It is hereby agreed that Spain, on the one hand, and the Spanish Zone of Morocco and the totality of Spanish Possessions, on the other hand, may accede to the International Telecommunication Convention of Atlantic City, in the capacity of Members having the right to vote, by complying with the provisions of Article 17 when the Resolution of the General Assembly of the United Nations dated December 12, 1946, shall be abrogated or cease to be applicable.

The formalities provided in Article 1 of the Convention shall not apply to Spain, on the one hand, and to the Spanish Zone of Morocco and to the totality of Spanish Possessions on the other hand.

IV

PROTOCOL

Concerning the Telegraph and Telephone Regulations

For those Members who have not yet approved the Telegraph and/or the Telephone Regulations, the provisions of Paragraph 3 of Article 13 of the Convention shall become binding only on the date of the signature of the Telegraph and Telephone Regulations as revised by the next telegraph and telephone administrative conference.

V

PROTOCOL

Concerning the Ordinary Expenditures of the Union in 1948

In accordance with the Resolution of the International Telecommunication Conference of Atlantic City, the Government of the Swiss Confederation is invited to advance to the Union, as and when requested by the Administra-

tive Council or by the Secretary General of the Union with the approval of the Administrative Council, a sum not exceeding 1,500,000 Swiss francs for the ordinary expenses of the union for the fiscal year 1948.

The Secretary General of the Union is authorized, with the approval of the Administrative Council, to incur ordinary annual expenditures during the fiscal year 1948 not exceeding 1,000,000 Swiss francs for the radio division and 500,000 Swiss francs for the telephone and telegraph division.

VI

PROTOCOL

Concerning Ordinary Expenditures of the Union for 1949-1952

The International Telecommunication Conference of Atlantic City, in accordance with its resolution, hereby authorizes the Administrative Council to incur, after approval by a majority of the Members and Associate Members of the Union prior to the fiscal year in which the expenditure is to be incurred, such higher expenditures as may be required for the conduct of essential functions of the Union above the annual ordinary expenditures of 4,000,000 Swiss francs, the sum estimated for the ordinary annual expenses of the Union for the period 1949-1952.

VII

PROTOCOL

Authorizing Extraordinary Expenditures for the Provisional Functions of the I.F.R.B.

In accordance with the resolution approved by the International Telecommunication Conference of Atlantic City, the Secretary General of the Union is authorized to defray the extraordinary expenses attributable to the costs of the International Frequency Registration Board and the salaries and expenses of its members during the period prior to the effective date of the Atlantic City Convention.

VIII

PROTOCOL

Authorizing Expenditure for the Provisional Functions of the Administrative Council

In accordance with the resolution approved by the International Telecommunication Conference of Atlantic City, the Secretary General of the Union is authorized to defray the official travel and subsistence expenses of Members of the Administrative Council and the expenses of its sessions during the period prior to the effective date of the Atlantic City Convention.

IX

PROTOCOL

*Authorizing the Extraordinary Expenditures of Funds of the Union
for the Work of the Provisional Frequency Board*

The International Telecommunication Conference of Atlantic City, in accordance with its resolution, hereby authorizes the Secretary General of the Union to incur, as extraordinary expenses of the Union, expenditures in connection with the work of the Provisional Frequency Board. Each country shall, however, defray the salary and expenses of its representative who will serve as a national member of the Board and of his advisers; the expenses of representatives of international regional organizations shall be defrayed by the organization concerned.

X

PROTOCOL

*Concerning the Procedure to be Followed by the Countries Wishing
to Modify Their Class of Contribution to the Expenditures of the Union*

The International Telecommunication Conference of Atlantic City, agrees as follows:

1. In derogation of the provisions of the Madrid Convention, the classification of units of contribution provided in Article 14, paragraph 4 of the International Telecommunication Convention of Atlantic City shall go into effect as of January 1, 1948.

2. Each Member shall, prior to September 1, 1948, notify the Secretary General of the Union of the class of contribution it has selected, from the classification table set forth in Article 14, paragraph 4 of the International Telecommunication Convention of Atlantic City. For meeting expenses for the fiscal year 1948, such notification may indicate the selection of a class of contribution for the expenses of the radio service, and a different class for the expenses of the telegraph and telephone service. For meeting expenses for the fiscal year 1949 and subsequent fiscal years, such notification shall indicate the single class selected for meeting the consolidated expenses of the radio service and the telegraph and telephone service.

3. Members failing to make decision prior to September 1, 1948 in accordance with the foregoing paragraph shall be bound to contribute in accordance with the number of units to which they have subscribed under the Madrid Convention, provided, however, that if such Members have, under the Madrid Convention, subscribed to a class of contribution for the radio service which is different from the class subscribed by them for the telegraph and telephone service, they shall, for the fiscal year 1949 and subsequent years, be bound to contribute in accordance with the higher of these two classes.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed these Additional Protocols in each of the English and French languages, in a single copy, which shall remain deposited in the archives of the Government of the United States of America and one copy of which shall be forwarded to each signatory government.

DONE at Atlantic City, October 2, 1947.

- | | |
|--|--|
| For the People's Republic of Albania:
THEODOR HEBA | DR. YU-YUEH MAO
TENG NAI-HONG
T. K. WANG
S. S. WONG |
| For the Kingdom of Saudi Arabia:
AHMED ABDUL JABBAR | |
| For the Argentine Republic:
HAROLD CAPPUS
ANIBAL F. IMBERT
EDUARDO A. NAVARRO
MARCO A. ANDRADA
A. NAVATTA
O. IVANISSEVICH
JUAN B. OTHEGUY
F. DELLAMULA | For the State of Vatican City:
FILIPPO SOCCORSI
WILLIAM C. SMITH |
| For the Commonwealth of Australia:
L. B. FANNING
R. V. MCKAY | For the Republic of Colombia:
C. E. ARBOLEDA
SANTIAGO QUIJANO C.
LUIS CARLO GUZMAN |
| For Austria:
Ing. F. HENNEBERG | For the Portuguese Colonies:
ARNALDO DE PAIVA CARVALHO
THEODORO DE MATOS FERREIRA DE
AGUIAR
MARIO MONTEIRO DE MACEDO |
| For Belgium:
R. CORTEIL
R. LECOMTE
L. LAMBIN | For the Colonies, Protectorates, and
Overseas Territories and Terri-
tories under mandate or trusteeship
of the United Kingdom of Great
Britain and Northern Ireland:
HUGH TOWNSEND
LEONARD V. LEWIS |
| For the Bielorrussian Soviet Socialist Re-
public:
L. KOSTIUSHKO | For the Colonies, Protectorates, and
Overseas Territories under French
Mandate:
J. LALUNG |
| For Burma:
MAUNG MAUNG TIN | For the Belgian Congo and Territories
of Ruanda Urundi:
GEULETTE |
| For Brazil:
ROMEU DE A GOUVEIA E SILVA
LAURO AUGUSTO DE MEDEIROS
JOAO VICTORIO PARETO NETO
HORACIO DE OLIVEIRA E CASTRO | For Cuba:
NICOLAS G. DE MENDOZA
M TORRES MENIER
A. H. CATA
DR. RAMÓN L. BONACHEA
R. SARABASA |
| For Bulgaria:
B. ATHANASSOV | For Denmark:
N. E. HOLMBLAD
K. LOMHOLDT
GUNAR PEDERSEN |
| For Canada:
THOMAS A. STONE | For the Dominican Republic:
SEBASTIAN RODRIGUEZ
M. E. NANITA |
| For Chile:
I. CARRASCO | |
| For China:
LIU CHIEH
JU-TSU HWANG
T. C. LOO | |

- For Egypt:
SH. ABAZA
ANIS EL BARDAI
- For the Republic of El Salvador:
CARLOS GARCIA BAUER
B. HERRARTE L.
- For Ecuador:
HUMBERTO MANCHENO L.
- For the United States of America:
CHARLES R. DENNY
FRANCIS COLT DE WOLF
- For Ethiopia:
H. ALEMAYEHOU
- For Finland:
V. YLOSTALO
- For France:
LAFFAY
- For Greece:
STAMATIOS NIKOLIS
STEPHANOS ELEFTHERIOU
- For Guatemala:
CARLOS GARCIA BAUER
B. HERRARTE L.
- For Haiti:
JULES DOMOND
- For Honduras:
G. MONTES
- For Hungary:
PAUL MARIK
- For India:
S. BANERJI
H. R. THADHANI
M. RAJAGOPALU
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SCHIPPERS
H. VAN DER VEEN
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G. COENEN
F. LEIWAKABESSY
- For Iran:
F. NOURY ESFANDIARY
- For Iraq:
JAMIL HAMDI
RAGHID RASHID
- For Ireland:
LEON O'BROIN
T. S. O'MUINEACHAIN
M. O'DOCHARTAIGH
- For Iceland:
G. J. HLIDDAL
G. BRIEM
- For Italy:
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ANTONIO PENNETTA
SETTIMIO AURINI
LUIGI SACCO
VITTORIO DE PACE
- For Lebanon:
J. NAMMOUR
- For Luxembourg:
HUGUES LE GALLAIS
- For Mexico:
E. AZCARRAGA
A. M. V.
AUGUSTIN FLORES U.
L. BARAJAS G.
- For Monaco:
ARTHUR CROVETTO
- For Nicaragua:
FRANCISCO P. MEDAL
- For Norway:
SV. RYNNING-TOENNESSEN
LEIF LARSEN
ANDREAS STRAND
- For New Zealand:
H. W. CURTIS
T. R. CLARKSON
- For Pakistan:
M. S. KARI
S. A. SATHAR
- For Panama:
J. E. HUERTEMATTE
- For the Netherlands, Curaçao and Surinam:
J. D. H. V D TOORN
A. SPAANS
A. DEN HARTOG
H. VAN DER VEEN
- For Peru:
MIGUEL FLOREZ
- For the Republic of the Philippines:
NARCISO RAMOS
JOSE S. ALFONSO

For the Republic of Poland:

EUGENIUSZ STALINGER
K. SZYMANSKI

For Portugal:

CARLOS RIBEIRO
A. M. BIVAR
JORGE RAMOS PEREIRA
OSCAR SATURNINO
M. AMARO VIEIRA
FERREIRA MONTEIRO

For the French Protectorates of Morocco
and Tunisia:

For Morocco:
M. LACROZE
For Tunisia:
J. DEZES

For the People's Federal Republic of
Yugoslavia:

JOSIP CULJAT
Dr. D. V. POPOVIC

For the Ukrainian Soviet Socialist
Republic:

M. GOLOVNIN

For Southern Rhodesia:

HUGH TOWNSHEND

For Roumania:

REMUS LULA

For the United Kingdom of Great
Britain and Northern Ireland:

HUGH TOWNSHEND
LEONARD V. LEWIS

For Siam:

LUANG PRAISANEE THURANURAK

For Sweden:

HAKAN STERKY
ARTUR ONNERMARK

For the Swiss Confederation:

VICTOR NEF
Dr. F. HESS
A. MOCKLI
Dr. V. TUASON
Dr. E. METSLER

For Syria:

SAMIH MOUSSLY

For Czechoslovakia:

Ing. JINDRICH KRAPKA
Ing. J. EHRlich
Ing. JAROMIR SVOBODA
Dr. JAN BUSAK

For Turkey:

N. TONER
I. S. ESGUN
NEJAT SANER

For the Union of South Africa and the
mandated territory of South-West
Africa:

E. C. SMITH
W. A. BORLAND
H. S. MILLS

For the Union of Soviet Socialist
Republics:

A. D. FORTOUSHENKO
L. KOPYTIN
V. BRAGIN
F. ILIUKVICH
A. NIKITINA
A. CHTCHETININE

For the Oriental Republic of Uruguay:

Col. RAFAEL J MILANS

For the United States of Venezuela:

RENATO GUTIERREZ R.
P. PACHANO
G. SIBLESZ

TRANSFER TO ITALIAN GOVERNMENT OF GOLD CAPTURED AT FORTEZZA

Protocol signed at London October 10, 1947
Effective September 15, 1947

61 Stat. 3239; Treaties and Other
International Acts Series 1658

PROTOCOL

The Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland on the one hand, and the Government of Italy on the other have agreed as follows:

(1) The gold which was captured at Fortezza by the Allied Forces in Italy from the German Forces, which was still in the custody of officials of the Bank of Italy at the time of capture, and which has since that time remained in the custody of the appropriate agency of the Allied Military Authorities, shall be turned over to the Italian Government now that the Treaty of Peace signed in Paris on 10th February, 1947, has entered into force.¹

(2) The Italian Government will immediately appoint representatives to discuss with the Allied Military Authorities the necessary details of transferring this gold from the custody of the Allied Military Authorities to the custody of the Italian Government.

(3) The present Protocol shall be deemed to have come into force on the day of the coming into force of the Treaty of Peace.

In faith whereof the undersigned Plenipotentiaries have signed the present Protocol.

Done in London in triplicate this 10th day of October, 1947, in the English and Italian languages, both texts being equally authentic.

For the Government of the United States
of America:

W. J. GALLMAN

For the Government of the United Kingdom
of Great Britain and Northern
Ireland:

ERNEST BEVIN

For the Government of Italy:

B. MIGONE

¹ The treaty of peace with Italy (TIAS 1648, *ante*, p. 311) entered into force Sept. 15, 1947.

WORLD METEOROLOGICAL ORGANIZATION

Convention and related protocol signed at Washington October 11, 1947

Senate advice and consent to ratification April 20, 1949

Ratified by the President of the United States May 4, 1949

Ratification of the United States deposited at Washington May 4, 1949

Entered into force March 23, 1950

Proclaimed by the President of the United States March 29, 1950

Amended by resolutions of April 11, 1963,¹ April 27, 1963,¹ April 11, 1967,² and April 26, 1967²

[For text, see 1 UST 281; TIAS 2052.]

LOAD LINES

Modification of first paragraph of annex II of the convention of July 5, 1930, proposed by the Government of Canada; communicated to the Government of the United States by the Government of the United Kingdom October 27, 1947

Senate advice and consent to ratification April 1, 1952

Ratified by the President of the United States April 18, 1952

Acceptance by the United States notified at London May 1, 1952

Entered into force July 13, 1957

Proclaimed by the President of the United States July 8, 1959

[For text, see 10 UST 1271; TIAS 4266.]

¹ 16 UST 2069, 2073; TIAS 5947.

² 18 UST 2795, 2800; TIAS 6364.

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Final act signed at Geneva October 30, 1947, at the conclusion of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment; General Agreement on Tariffs and Trade opened for acceptance at Geneva October 30, 1947; protocol of provisional application opened for signature at Geneva October 30, 1947, and signed for the United States October 30, 1947*¹

*Protocol of provisional application effective January 1, 1948
Agreements relating to the General Agreement, including, among others, rectifications, modifications, amendments, and protocols of accession, are dated March 24, 1948,² September 14, 1948,³ August 13, 1949,⁴ October 10, 1949,⁵ and later⁶*

61 Stat. (5) and (6); Treaties and Other
International Acts Series 1700

FINAL ACT

In accordance with the Resolution adopted at the First Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, established by the Economic and Social Council of the United Nations on February 18, 1946,

The Governments of the COMMONWEALTH OF AUSTRALIA, the KINGDOM OF BELGIUM, the UNITED STATES OF BRAZIL, BURMA, CANADA, CEYLON, the REPUBLIC OF CHILE, the REPUBLIC OF CHINA, the REPUBLIC OF CUBA, the CZECHOSLOVAK REPUBLIC, the FRENCH REPUBLIC, INDIA, LEBANON, the GRAND-DUCHY OF LUXEMBURG, the KINGDOM OF THE NETHERLANDS, NEW

¹ For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. (5) A91 or p. 87 of TIAS 1700.

² TIAS 1761-1765, *post*, pp. 704-723.

³ TIAS 1887 and 1890, *post*, pp. 762, 769; 62 Stat. 3671, TIAS 1888; 3 UST 5355, TIAS 2744.

⁴ 2 UST 1583, 3 UST 57, 123, 5368, 5383; TIAS 2300, 2393, 2394, 2745, 2746.

⁵ TIAS 2100, *post*, p. 859.

⁶ For agreements dated after Jan. 1, 1950, see *United States Treaties and Other International Agreements, passim*.

ZEALAND, the KINGDOM OF NORWAY, PAKISTAN, SOUTHERN RHODESIA, SYRIA, the UNION OF SOUTH AFRICA, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and the UNITED STATES OF AMERICA,

Initiated negotiations between their representatives, at Geneva on April 10, 1947, directed to the substantial reduction of tariffs and other trade barriers and to the elimination of preferences, on a reciprocal and mutually advantageous basis. These negotiations have terminated today and have resulted in the framing of a General Agreement on Tariffs and Trade and of a Protocol of Provisional Application, the texts of which are annexed hereto. These texts are hereby authenticated.

The signature of this Final Act, or of the Protocol of Provisional Application, by any of the above-mentioned Governments does not in any way prejudice their freedom of action at the United Nations Conference on Trade and Employment.

This Final Act, including the texts of the General Agreement on Tariffs and Trade and of the Protocol of Provisional Application, will be released by the Secretary-General of the United Nations for publication on November 18, 1947, provided that the Protocol of Provisional Application shall have been signed by November 15, 1947, on behalf of all the countries named therein.

In witness whereof the respective Representatives have signed the present Act.

Done at Geneva, in a single copy, in the English and French languages, both texts authentic, this thirtieth day of October, one thousand nine hundred and forty-seven.

For the Commonwealth of Australia:

C. E. MORTON

For the Kingdom of Belgium:

P. A. FORTHOMME

For the United States of Brazil:

A. DE FERREIRA BRAGA

For Burma:

MAUNG NYUN

For Canada:

L. D. WILGRESS

For Ceylon:

J. COREA

For the Republic of Chile:

A. FAIVOVICH

For the Republic of China:

WUNSZ KING

For the Republic of Cuba:

SERGIO I. CLARK

For the Czechoslovak Republic:

Z. AUGENTHALER

For the French Republic:

PIERRE BARADUC

For India:

S. RANGANATHAN

For Lebanon:

J. MIKAOUI

For the Grand-Duchy of Luxemburg:

J. STURM

For the Kingdom of the Netherlands:

A. B. SPEEKENBRINK

For New Zealand:

J. P. D. JONNSEN

For the Kingdom of Norway:

ERIK COLBAN

For Pakistan:

H. I. RAHIMTOOLA

For Southern Rhodesia:
K. M. GOODENOUGH

For Syria:
H. JABBARA

For the Union of South Africa:
W. G. W. PARMINTER

For the United Kingdom of Great
Britain and Northern Ireland:

T. M. SNOW

For the United States of America:
WINTHROP BROWN

GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America:

Recognizing that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, developing the full use of the resources of the world and expanding the production and exchange of goods;

Being desirous of contributing to these objectives by entering into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international commerce;

Have through their Representatives agreed as follows:

PART I

ARTICLE I⁷

General Most-Favoured-Nation Treatment

1. With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation, and with respect to all matters referred to in paragraphs 1 and 2 of Article III, any advantage, favour, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties.

⁷ See also interpretative notes, p. 682.

2. The provisions of paragraph 1 of this Article shall not require the elimination of any preferences in respect of import duties or charges which do not exceed the levels provided for in paragraph 3 of this Article and which fall within the following descriptions:

(a) preferences in force exclusively between two or more of the territories listed in Annex A, subject to the conditions set forth therein;

(b) preferences in force exclusively between two or more territories which on July 1, 1939, were connected by common sovereignty or relations of protection or suzerainty and which are listed in Annexes B, C, and D, subject to the conditions set forth therein;

(c) preferences in force exclusively between the United States of America and the Republic of Cuba;

(d) preferences in force exclusively between neighbouring countries listed in Annexes E and F.

3. The margin of preference on any product in respect of which a preference is permitted under paragraph 2 of this Article but is not specifically set forth as a maximum margin of preference in the appropriate Schedule⁸ annexed to this Agreement shall not exceed

(a) in respect of duties or charges on any product described in such Schedule, the difference between the most-favoured-nation and preferential rates provided for therein; if no preferential rate is provided for, the preferential rate shall for the purposes of this paragraph be taken to be that in force on April 10, 1947, and, if no most-favoured-nation rate is provided for, the margin shall not exceed the difference between the most-favoured-nation and preferential rates existing on April 10, 1947;

(b) in respect of duties or charges on any product not described in the appropriate Schedule, the difference between the most-favoured-nation and preferential rates existing on April 10, 1947.

In the case of the contracting parties named in Annex G, the date of April 10, 1947, referred to in subparagraphs (a) and (b) of this paragraph shall be replaced by the respective dates set forth in that Annex.

ARTICLE II⁹

Schedules of Concessions

1. (a) Each contracting party shall accord to the commerce of the other contracting parties treatment no less favourable than that provided for in the appropriate Part of the appropriate Schedule annexed to this Agreement.

(b) The products described in Part I of the Schedule relating to any contracting party, which are the products of territories of other contracting

⁸ For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. (5) A91 or p. 87 of TIAS 1700.

⁹ See also interpretative notes, p. 682.

parties, shall, on their importation into the territory to which the Schedule relates, and subject to the terms, conditions or qualifications set forth in that Schedule, be exempt from ordinary customs duties in excess of those set forth and provided for therein. Such products shall also be exempt from all other duties or charges of any kind imposed on or in connection with importation in excess of those imposed on the date of this Agreement or those directly and mandatorily required to be imposed thereafter by legislation in force in the importing territory on that date.

(c) The products described in Part II of the Schedule relating to any contracting party, which are the products of territories entitled under Article I to receive preferential treatment upon importation into the territory to which the Schedule relates, shall, on their importation into such territory, and subject to the terms, conditions or qualifications set forth in that Schedule, be exempt from ordinary customs duties in excess of those set forth and provided for in Part II of that Schedule. Such products shall also be exempt from all other duties or charges of any kind imposed on or in connection with importation in excess of those imposed on the date of this Agreement or those directly and mandatorily required to be imposed thereafter by legislation in force in the importing territory on that date. Nothing in this Article shall prevent any contracting party from maintaining its requirements existing on the date of this Agreement as to the eligibility of goods for entry at preferential rates of duty.

2. Nothing in this Article shall prevent any contracting party from imposing at any time on the importation of any product

(a) a charge equivalent to an internal tax imposed consistently with the provisions of paragraph 1 of Article III in respect of the like domestic product or in respect of an article from which the imported product has been manufactured or produced in whole or in part;

(b) any anti-dumping or countervailing duty applied consistently with the provisions of Article VI;

(c) fees or other charges commensurate with the cost of services rendered.

3. No contracting party shall alter its method of determining dutiable value or of converting currencies so as to impair the value of any of the concessions provided for in the appropriate Schedule annexed to this Agreement.

4. If any contracting party establishes, maintains or authorizes, formally or in effect, a monopoly of the importation of any product described in the appropriate Schedule annexed to this Agreement, such monopoly shall not, except as provided for in that Schedule or as otherwise agreed between the parties which initially negotiated the concession, operate so as to afford protection on the average in excess of the amount of protection provided for in that Schedule. The provisions of this paragraph shall not limit the use by contracting parties of any form of assistance to domestic producers permitted by other provisions of this Agreement.

5. If any contracting party considers that a product is not receiving from another contracting party the treatment which the first contracting party believes to have been contemplated by a concession provided for in the appropriate Schedule annexed to this Agreement, it shall bring the matter directly to the attention of the other contracting party. If the latter agrees that the treatment contemplated was that claimed by the first contracting party, but declares that such treatment cannot be accorded because a court or other proper authority has ruled to the effect that the product involved cannot be classified under the tariff laws of such contracting party so as to permit the treatment contemplated in this Agreement, the two contracting parties, together with any other contracting parties substantially interested, shall enter promptly into further negotiations with a view to a compensatory adjustment of the matter.

6. (a) The specific duties and charges included in the Schedules relating to contracting parties members of the International Monetary Fund, and margins of preference in specific duties and charges maintained by such contracting parties, are expressed in the appropriate currency at the par value accepted or provisionally recognized by the Fund at the date of this Agreement. Accordingly, in case this par value is reduced consistently with the Articles of Agreement of the International Monetary Fund¹⁰ by more than twenty per centum, such specific duties and charges and margins of preference may be adjusted to take account of such reduction;

Provided that the CONTRACTING PARTIES (i.e. the contracting parties acting jointly as provided for in Article XXV) concur that such adjustments will not impair the value of the concessions provided for in the appropriate Schedule or elsewhere in this Agreement, due account being taken of all factors which may influence the need for, or urgency of, such adjustments.

(b) Similar provisions shall apply to any contracting party not a member of the Fund, as from the date on which such contracting party becomes a member of the Fund or enters into a special exchange agreement in pursuance of Article XV.

7. The Schedules annexed to this Agreement are hereby made an integral part of Part I of this Agreement.

PART II

ARTICLE III

National Treatment on Internal Taxation and Regulation

1. The products of the territory of any contracting party imported into the territory of any other contracting party shall be exempt from internal taxes and other internal charges of any kind in excess of those applied directly or

¹⁰ TIAS 1501, *ante*, vol. 3, p. 1351.

indirectly to like products of national origin. Moreover, in cases in which there is no substantial domestic production of like products of national origin, no contracting party shall apply new or increased internal taxes on the products of the territories of other contracting parties for the purpose of affording protection to the production of directly competitive or substitutable products which are not similarly taxed; and existing internal taxes of this kind shall be subject to negotiation for their reduction or elimination.

2. The products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, or use. The provisions of this paragraph shall not prevent the application of differential transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

3. In applying the principles of paragraph 2 of this Article to internal quantitative regulations relating to the mixture, processing or use of products in specified amounts or proportions, the contracting parties shall observe the following provisions:

(a) no regulations shall be made which, formally or in effect, require that any specified amount or proportion of the product in respect of which such regulations are applied must be supplied from domestic sources;

(b) no contracting party shall, formally or in effect, restrict the mixing, processing or use of a product of which there is no substantial domestic production with a view to affording protection to the domestic production of a directly competitive or substitutable product.

4. The provisions of paragraph 3 of this Article shall not apply to:

(a) any measure of internal quantitative control in force in the territory of any contracting party on July 1, 1939 or April 10, 1947, at the option of that contracting party; *Provided* that any such measure which would be in conflict with the provisions of paragraph 3 of this Article shall not be modified to the detriment of imports and shall be subject to negotiation for its limitation, liberalization or elimination;

(b) any internal quantitative regulation relating to exposed cinematograph films and meeting the requirements of Article IV.

5. The provisions of this Article shall not apply to the procurement by governmental agencies of products purchased for governmental purposes and not for resale or use in the production of goods for sale, nor shall they prevent the payment to domestic producers only of subsidies provided for under Article XVI, including payments to domestic producers derived from the proceeds of internal taxes or charges and subsidies effected through governmental purchases of domestic products.

ARTICLE IV

Special Provisions relating to Cinematograph Films

If any contracting party establishes or maintains internal quantitative regulations relating to exposed cinematograph films, such regulations shall take the form of screen quotas which shall conform to the following requirements:

(a) screen quotas may require the exhibition of cinematograph films of national origin during a specified minimum proportion of the total screen time actually utilized, over a specified period of not less than one year, in the commercial exhibition of all firms of whatever origin, and shall be computed on the basis of screen time per theatre per year or the equivalent thereof;

(b) with the exception of screen time reserved for films of national origin under a screen quota, screen time including that released by administrative action from screen time reserved for films of national origin, shall not be allocated formally or in effect among sources of supply;

(c) notwithstanding the provisions of sub-paragraph (b) of this Article, any contracting party may maintain screen quotas conforming to the requirements of sub-paragraph (a) of this Article which reserve a minimum proportion of screen time for films of a specified origin other than that of the contracting party imposing such screen quotas; *Provided* that no such minimum proportion of screen time shall be increased above the level in effect on April 10, 1947;

(d) screen quotas shall be subject to negotiation for their limitation, liberalization or elimination.

ARTICLE V¹¹*Freedom of Transit*

1. Goods (including baggage), and also vessels and other means of transport, shall be deemed to be in transit across the territory of a contracting party when the passage across such territory, with or without trans-shipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the contracting party across whose territory the traffic passes. Traffic of this nature is termed in this Article "traffic in transit".

2. There shall be freedom of transit through the territory of each contracting party, via the routes most convenient for international transit, for traffic in transit to or from the territory of other contracting parties. No distinction shall be made which is based on the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods, of vessels or of other means of transport.

¹¹ See also interpretative notes, p. 683.

3. Any contracting party may require that traffic in transit through its territory be entered at the proper custom house, but, except in cases of failure to comply with applicable customs laws and regulations, such traffic coming from or going to the territory of other contracting parties shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties and from all transit duties or other charges imposed in respect of transit, except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.

4. All charges and regulations imposed by contracting parties on traffic in transit to or from the territories of other contracting parties shall be reasonable, having regard to the conditions of the traffic.

5. With respect to all charges, regulations and formalities in connection with transit, each contracting party shall accord to traffic in transit to or from the territory of any other contracting party treatment no less favourable than the treatment accorded to traffic in transit to or from any third country.

6. Each contracting party shall accord to products which have been in transit through the territory of any other contracting party treatment no less favourable than that which would have been accorded to such products had they been transported from their place of origin to their destination without going through the territory of such other contracting party. Any contracting party shall, however, be free to maintain its requirements of direct consignment existing on the date of this Agreement, in respect of any goods in regard to which such direct consignment is a requisite condition of eligibility for entry of the goods at preferential rates of duty or has relation to the contracting party's prescribed method of valuation for duty purposes.

7. The provisions of this Article shall not apply to the operation of aircraft in transit, but shall apply to air transit of goods (including baggage).

ARTICLE VI ¹¹

Anti-Dumping and Countervailing Duties

1. No anti-dumping duty shall be levied on any product of the territory of any contracting party imported into the territory of any other contracting party in excess of an amount equal to the margin of dumping under which such product is being imported. For the purposes of this Article, the margin of dumping shall be understood to mean the amount by which the price of the product exported from one country to another

(a) is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country; or,

(b) in the absence of such domestic price, is less than either

(i) the highest comparable price for the like product for export to any third country in the ordinary course of trade, or

(ii) the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in taxation, and for other differences affecting price comparability.

2. No countervailing duty shall be levied on any product of the territory of any contracting party imported into the territory of another contracting party in excess of an amount equal to the estimated bounty or subsidy determined to have been granted, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation, including any special subsidy to the transportation of a particular product. The term "countervailing duty" shall be understood to mean a special duty levied for the purpose of offsetting any bounty or subsidy bestowed, directly or indirectly, upon the manufacture, production or exportation of any merchandise.

3. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to anti-dumping or countervailing duty by reason of the exemption of such product from duties or taxes borne by the like product when destined for consumption in the country of origin or exportation, or by reason of the refund of such duties or taxes.

4. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping or export subsidization.

5. No contracting party shall levy any anti-dumping or countervailing duty on the importation of any product of the territory of another contracting party unless it determines that the effect of the dumping or subsidization, as the case may be, is such as to cause or threaten material injury to an established domestic industry, or is such as to prevent or materially retard the establishment of a domestic industry. The CONTRACTING PARTIES may waive the requirements of this paragraph so as to permit a contracting party to levy an anti-dumping or countervailing duty on the importation of any product for the purpose of offsetting dumping or subsidization which causes or threatens material injury to an industry in the territory of another contracting party exporting the product concerned to the territory of the importing contracting party.

6. A system for the stabilization of the domestic price or of the return to domestic producers of a primary commodity, independently of the movements of export prices, which results at times in the sale of the product for export at a price lower than the comparable price charged for the like product to buyers in the domestic market, shall be considered not to result in material injury within the meaning of paragraph 5 of this Article, if it is

determined by consultation among the contracting parties substantially interested in the product concerned:

(a) that the system has also resulted in the sale of the product for export at a price higher than the comparable price charged for the like product to buyers in the domestic market, and

(b) that the system is so operated, either because of the effective regulation of production or otherwise, as not to stimulate exports unduly or otherwise seriously prejudice the interests of other contracting parties.

7. No measures other than anti-dumping or countervailing duties shall be applied by any contracting party in respect of any product of the territory of any other contracting party for the purpose of offsetting dumping or subsidization.

ARTICLE VII ¹²

Valuation for Customs Purposes

1. The contracting parties recognize the validity of the general principles of valuation set forth in the following paragraphs of this Article, and they undertake to give effect to such principles, in respect of all products subject to duties or other charges or restrictions on importation and exportation based upon or regulated in any manner by value, at the earliest practicable date. Moreover, they shall, upon a request by another contracting party, review the operation of any of their laws or regulations relating to value for customs purposes in the light of these principles. The CONTRACTING PARTIES may request from contracting parties reports on steps taken by them in pursuance of the provisions of this Article.

2. (a) The value for customs purposes of imported merchandise should be based on the actual value of the imported merchandise on which duty is assessed, or of like merchandise, and should not be based on the value of merchandise of national origin or on arbitrary or fictitious values.

(b) "Actual value" should be the price at which, at a time and place determined by the legislation of the country of importation, and in the ordinary course of trade, such or like merchandise is sold or offered for sale under fully competitive conditions. To the extent to which the price of such or like merchandise is governed by the quantity in a particular transaction, the price to be considered should uniformly be related to either (i) comparable quantities, or (ii) quantities not less favourable to importers than those in which the greater volume of the merchandise is sold in the trade between the countries of exportation and importation.

(c) When the actual value is not ascertainable in accordance with sub-paragraph (b) of this paragraph, the value for customs purposes should be based on the nearest ascertainable equivalent of such value.

¹² See also interpretative notes, p. 683.

3. The value for customs purposes of any imported product should not include the amount of any internal tax, applicable within the country of origin or export, from which the imported product has been exempted or has been or will be relieved by means of refund.

4. (a) Except as otherwise provided for in this paragraph, where it is necessary for the purposes of paragraph 2 of this Article for a contracting party to convert into its own currency a price expressed in the currency of another country, the conversion rate of exchange to be used shall be based on the par values of the currencies involved as established pursuant to the Articles of Agreement of the International Monetary Fund or by special exchange agreements entered into pursuant to Article XV of this Agreement.

(b) Where no such par value has been established, the conversion rate shall reflect effectively the current value of such currency in commercial transactions.

(c) The CONTRACTING PARTIES, in agreement with the International Monetary Fund, shall formulate rules governing the conversion by contracting parties of any foreign currency in respect of which multiple rates of exchange are maintained consistently with the Articles of Agreement of the International Monetary Fund. Any contracting party may apply such rules in respect of such foreign currencies for the purposes of paragraph 2 of this Article as an alternative to the use of par values. Until such rules are adopted by the CONTRACTING PARTIES, any contracting party may employ, in respect of any such foreign currency, rules of conversion for the purposes of paragraph 2 of this Article which are designed to reflect effectively the value of such foreign currency in commercial transactions.

(d) Nothing in this paragraph shall be construed to require any contracting party to alter the method of converting currencies for customs purposes which is applicable in its territory on the date of this Agreement, if such alteration would have the effect of increasing generally the amounts of duty payable.

5. The bases and methods for determining the value of products subject to duties or other charges or restrictions based upon or regulated in any manner by value should be stable and should be given sufficient publicity to enable traders to estimate, with a reasonable degree of certainty, the value for customs purposes.

ARTICLE VIII¹³

Formalities connected with Importation and Exportation

1. The contracting parties recognise that fees and charges, other than duties, imposed by governmental authorities on or in connection with importation or exportation, should be limited in amount to the approximate cost of services rendered and should not represent an indirect protection to

¹³ See also interpretative notes, p. 684.

domestic products or a taxation of imports or exports for fiscal purposes. The contracting parties also recognize the need for reducing the number and diversity of such fees and charges, for minimizing the incidence and complexity of import and export formalities, and for decreasing and simplifying import and export documentation requirements.

2. The contracting parties shall take action in accordance with the principles and objectives of paragraph 1 of this Article at the earliest practicable date. Moreover, they shall, upon request by another contracting party, review the operation of any of their laws and regulations in the light of these principles.

3. No contracting party shall impose substantial penalties for minor breaches of customs regulations or procedural requirements. In particular, no penalty in respect of any omission or mistake in customs documentation which is easily rectifiable and obviously made without fraudulent intent or gross negligence shall be greater than necessary to serve merely as a warning.

4. The provisions of this Article shall extend to fees, charges, formalities and requirements imposed by governmental authorities in connection with importation and exportation, including those relating to:

- (a) consular transactions, such as consular invoices and certificates;
- (b) quantitative restrictions;
- (c) licensing;
- (d) exchange control;
- (e) statistical services;
- (f) documents, documentation and certification;
- (g) analysis and inspection; and
- (h) quarantine, sanitation and fumigation.

ARTICLE IX

Marks of Origin

1. Each contracting party shall accord to the products of the territories of other contracting parties treatment with regard to marking requirements no less favourable than the treatment accorded to like products of any third country.

2. Whenever it is administratively practicable to do so, contracting parties should permit required marks of origin to be affixed at the time of importation.

3. The laws and regulations of contracting parties relating to the marking of imported products shall be such as to permit compliance without seriously damaging the products, or materially reducing their value, or unreasonably increasing their cost.

4. As a general rule no special duty or penalty should be imposed by any contracting party for failure to comply with marking requirements prior to importation unless corrective marking is unreasonably delayed or deceptive

marks have been affixed or the required marking has been intentionally omitted.

5. The contracting parties shall co-operate with each other with a view to preventing the use of trade names in such manner as to misrepresent the true origin of a product, to the detriment of such distinctive regional or geographical names of products of the territory of a contracting party as are protected by its legislation. Each contracting party shall accord full and sympathetic consideration to such requests or representations as may be made by any other contracting party regarding the application of the undertaking set forth in the preceding sentence to names of products which have been communicated to it by the other contracting party.

ARTICLE X

Publication and Administration of Trade Regulations

1. Laws, regulations, judicial decisions and administrative rulings of general application, made effective by any contracting party, pertaining to the classification or the valuation of products for customs purposes, or to rates of duty, taxes or other charges, or to requirements, restrictions or prohibitions on imports or exports or on the transfer of payments therefor, or affecting their sale, distribution, transportation, insurance, warehousing, inspection, exhibition, processing, mixing or other use, shall be published promptly in such a manner as to enable governments and traders to become acquainted with them. Agreements affecting international trade policy which are in force between the government or a governmental agency of any contracting party and the government or governmental agency of any other contracting party shall also be published. The provisions of this paragraph shall not require any contracting party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

2. No measure of general application taken by any contracting party effecting an advance in a rate of duty or other charge on imports under an established and uniform practice, or imposing a new or more burdensome requirement, restriction or prohibition on imports, or on the transfer of payments therefor, shall be enforced before such measure has been officially published.

3. (a) Each contracting party shall administer in a uniform, impartial and reasonable manner all its laws, regulations, decisions and rulings of the kind described in paragraph 1 of this Article.

(b) Each contracting party shall maintain, or institute as soon as practicable, judicial, arbitral or administrative tribunals or procedures for the purpose, *inter alia*, of the prompt review and correction of administrative action relating to customs matters. Such tribunals or procedures shall be

independent of the agencies entrusted with administrative enforcement and their decisions shall be implemented by, and shall govern the practice of, such agencies unless an appeal is lodged with a court or tribunal of superior jurisdiction within the time prescribed for appeals to be lodged by importers; *Provided* that the central administration of such agency may take steps to obtain a review of the matter in another proceeding if there is good cause to believe that the decision is inconsistent with established principles of law or the actual facts.

(c) The provisions of sub-paragraph (b) of this paragraph shall not require the elimination or substitution of procedures in force in the territory of a contracting party on the date of this Agreement which in fact provide for an objective and impartial review of administrative action even though such procedures are not fully or formally independent of the agencies entrusted with administrative enforcement. Any contracting party employing such procedures shall, upon request, furnish the CONTRACTING PARTIES with full information thereon in order that they may determine whether such procedures conform to the requirements of this sub-paragraph.

ARTICLE XI¹⁴

General Elimination of Quantitative Restrictions

1. No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.

2. The provisions of paragraph 1 of this Article shall not extend to the following:

(a) export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting contracting party;

(b) import and export prohibitions or restrictions necessary to the application of standards or regulations for the classification, grading or marketing of commodities in international trade;

(c) import restrictions on any agricultural or fisheries product, imported in any form, necessary to the enforcement of governmental measures which operate:

(i) to restrict the quantities of the like domestic product permitted to be marketed or produced, or, if there is no substantial domestic production of the like product, of a domestic product for which the imported product can be directly substituted; or

¹⁴ See also interpretative notes, p. 684.

(ii) to remove a temporary surplus of the like domestic product, or, if there is no substantial domestic production of the like product, of a domestic product for which the imported product can be directly substituted, by making the surplus available to certain groups of domestic consumers free of charge or at prices below the current market level; or

(iii) to restrict the quantities permitted to be produced of any animal product the production of which is directly dependent, wholly or mainly, on the imported commodity, if the domestic production of that commodity is relatively negligible.

Any contracting party applying restrictions on the importation of any product pursuant to sub-paragraph (c) of this paragraph shall give public notice of the total quantity or value of the product permitted to be imported during a specified future period and of any change in such quantity or value. Moreover, any restrictions applied under (i) above shall not be such as will reduce the total of imports relative to the total of domestic production, as compared with the proportion which might reasonably be expected to rule between the two in the absence of restrictions. In determining this proportion, the contracting party shall pay due regard to the proportion prevailing during a previous representative period and to any special factors which may have affected or may be affecting the trade in the product concerned.

3. Throughout Articles XI, XII, XIII and XIV the terms "import restrictions" or "export restrictions" include restrictions made effective through state-trading operations.

ARTICLE XII¹⁴

Restrictions to Safeguard the Balance of Payments

1. Notwithstanding the provisions of paragraph 1 of Article XI, any contracting party, in order to safeguard its external financial position and balance of payments, may restrict the quantity or value of merchandise permitted to be imported, subject to the provisions of the following paragraphs of this Article.

2. (a) No contracting party shall institute, maintain or intensify import restrictions under this Article except to the extent necessary

(i) to forestall the imminent threat of, or to stop, a serious decline in its monetary reserves, or

(ii) in the case of a contracting party with very low monetary reserves, to achieve a reasonable rate of increase in its reserves.

Due regard shall be paid in either case to any special factors which may be affecting the contracting party's reserves or need for reserves, including, where special external credits or other resources are available to it, the need to provide for the appropriate use of such credits or resources.

(b) Contracting parties applying restrictions under sub-paragraph (a) of this paragraph shall progressively relax them as such conditions improve, maintaining them only to the extent that the conditions specified in that sub-paragraph still justify their application. They shall eliminate the restrictions when conditions would no longer justify their institution or maintenance under that sub-paragraph.

3. (a) The contracting parties recognize that during the next few years all of them will be confronted in varying degrees with problems of economic adjustment resulting from the war. During this period the CONTRACTING PARTIES shall, when required to take decisions under this Article or under Article XIV, take full account of the difficulties of post-war adjustment and of the need which a contracting party may have to use import restrictions as a step towards the restoration of equilibrium in its balance of payments on a sound and lasting basis.

(b) The contracting parties recognize that, as a result of domestic policies directed toward the achievement and maintenance of full and productive employment and large and steadily growing demand or toward the reconstruction or development of industrial and other economic resources and the raising of standards of productivity, such a contracting party may experience a high level of demand for imports. Accordingly,

(i) notwithstanding the provisions of paragraph 2 of this Article, no contracting party shall be required to withdraw or modify restrictions on the ground that a change in the policies referred to above would render unnecessary the restrictions which it is applying under this Article;

(ii) any contracting party applying import restrictions under this Article may determine the incidence of the restrictions on imports of different products or classes of products in such a way as to give priority to the importation of those products which are more essential in the light of such policies.

(c) Contracting parties undertake, in carrying out their domestic policies:

(i) to pay due regard to the need for restoring equilibrium in their balance of payments on a sound and lasting basis and to the desirability of assuring an economic employment of productive resources;

(ii) not to apply restrictions so as to prevent unreasonably the importation of any description of goods in minimum commercial quantities, the exclusion of which would impair regular channels of trade, or restrictions which would prevent the importation of commercial samples, or prevent compliance with patent, trademark, copyright, or similar procedures; and

(iii) to apply restrictions under this Article in such a way as to avoid unnecessary damage to the commercial or economic interests of any other contracting party.

4. (a) Any contracting party which is not applying restrictions under this Article, but is considering the need to do so, shall, before instituting such restrictions (or, in circumstances in which prior consultation is impracticable, immediately after doing so), consult with the CONTRACTING PARTIES as to the nature of its balance-of-payments difficulties, alternative corrective measures which may be available, and the possible effect of such measures on the economies of other contracting parties. No contracting party shall be required in the course of consultations under this sub-paragraph to indicate in advance the choice or timing of any particular measures which it may ultimately determine to adopt.

(b) The CONTRACTING PARTIES may at any time invite any contracting party which is applying import restrictions under this Article to enter into such consultations with them, and shall invite any contracting party substantially intensifying such restrictions to consult within thirty days. A contracting party thus invited shall participate in such discussions. The CONTRACTING PARTIES may invite any other contracting party to take part in these discussions. Not later than January 1, 1951, the CONTRACTING PARTIES shall review all restrictions existing on that day and still applied under this Article at the time of the review.

(c) Any contracting party may consult with the CONTRACTING PARTIES with a view to obtaining their prior approval for restrictions which the contracting party proposes, under this Article, to maintain, intensify or institute, or for the maintenance, intensification or institution of restrictions under specified future conditions. As a result of such consultations, the CONTRACTING PARTIES may approve in advance the maintenance, intensification or institution of restrictions by the contracting party in question insofar as the general extent, degree of intensity and duration of the restrictions are concerned. To the extent to which such approval has been given, the requirements of sub-paragraph (a) of this paragraph shall be deemed to have been fulfilled, and the action of the contracting party applying the restrictions shall not be open to challenge under sub-paragraph (d) of this paragraph on the ground that such action is inconsistent with the provisions of paragraph 2 of this Article.

(d) Any contracting party which considers that another contracting party is applying restrictions under this Article inconsistently with the provisions of paragraphs 2 or 3 of this Article or with those of Article XIII (subject to the provisions of Article XIV) may bring the matter for discussion to the CONTRACTING PARTIES; and the contracting party applying the restrictions shall participate in the discussion. The CONTRACTING PARTIES, if they are satisfied that there is a *prima facie* case that the trade of the contracting party initiating the procedure is adversely affected, shall submit their views to the parties with the aim of achieving a settlement of the matter in question which is satisfactory to the parties and to the CONTRACTING PARTIES.

If no such settlement is reached and if the CONTRACTING PARTIES determine that the restrictions are being applied inconsistently with the provisions of paragraphs 2 or 3 of this Article or with those of Article XIII (subject to the provisions of Article XIV), they shall recommend the withdrawal or modification of the restrictions. If the restrictions are not withdrawn or modified in accordance with the recommendation of the CONTRACTING PARTIES within sixty days, they may release any contracting party from specified obligations under this Agreement towards the contracting party applying the restrictions.

(e) It is recognized that premature disclosure of the prospective application, withdrawal or modification of any restriction under this Article might stimulate speculative trade and financial movements which would tend to defeat the purposes of this Article. Accordingly, the CONTRACTING PARTIES shall make provision for the observance of the utmost secrecy in the conduct of any consultation.

5. If there is a persistent and widespread application of import restrictions under this Article, indicating the existence of a general disequilibrium which is restricting international trade, the CONTRACTING PARTIES shall initiate discussions to consider whether other measures might be taken, either by those contracting parties whose balances of payments are under pressure or by those whose balances of payments are tending to be exceptionally favourable, or by any appropriate inter-governmental organization, to remove the underlying causes of the disequilibrium. On the invitation of the CONTRACTING PARTIES, contracting parties shall participate in such discussions.

ARTICLE XIII ¹⁵

Non-discriminatory Administration of Quantitative Restrictions

1. No prohibition or restriction shall be applied by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation of any product destined for the territory of any other contracting party, unless the importation of the like product of all third countries or the exportation of the like product to all third countries is similarly prohibited or restricted.

2. In applying import restrictions to any product, contracting parties shall aim at a distribution of trade in such product approaching as closely as possible to the shares which the various contracting parties might be expected to obtain in the absence of such restrictions, and to this end shall observe the following provisions:

(a) wherever practicable, quotas representing the total amount of permitted imports (whether allocated among supplying countries or not) shall be fixed, and notice given of their amount in accordance with paragraph 3(b) of this Article;

¹⁵ See also interpretative notes, p. 685.

(b) in cases in which quotas are not practicable, the restrictions may be applied by means of import licenses or permits without a quota;

(c) contracting parties shall not, except for purposes of operating quotas allocated in accordance with sub-paragraph (d) of this paragraph, require that import licenses or permits be utilized for the importation of the product concerned from a particular country or source;

(d) in cases in which a quota is allocated among supplying countries, the contracting party applying the restrictions may seek agreement with respect to the allocation of shares in the quota with all other contracting parties having a substantial interest in supplying the product concerned. In cases in which this method is not reasonably practicable, the contracting party concerned shall allot to contracting parties having a substantial interest in supplying the product shares based upon the proportions, supplied by such contracting parties during a previous representative period, of the total quantity or value of imports of the product, due account being taken of any special factors which may have affected or may be affecting the trade in the product. No conditions or formalities shall be imposed which would prevent any contracting party from utilizing fully the share of any such total quantity or value which has been allotted to it, subject to importation being made within any prescribed period to which the quota may relate.

3. (a) In cases in which import licences are issued in connection with import restrictions, the contracting party applying the restrictions shall provide, upon the request of any contracting party having an interest in the trade in the product concerned, all relevant information concerning the administration of the restrictions, the import licences granted over a recent period and the distribution of such licences among supplying countries; *Provided* that there shall be no obligation to supply information as to the names of importing or supplying enterprises.

(b) In the case of import restrictions involving the fixing of quotas, the contracting party applying the restrictions shall give public notice of the total quantity or value of the product or products which will be permitted to be imported during a specified future period and of any change in such quantity or value. Any supplies of the product in question which were en route at the time at which public notice was given shall not be excluded from entry; *Provided* that they may be counted so far as practicable, against the quantity permitted to be imported in the period in question, and also, where necessary, against the quantities permitted to be imported in the next following period or periods; and *Provided* further that if any contracting party customarily exempts from such restrictions products entered for consumption or withdrawn from warehouse for consumption during a period of thirty days after the day of such public notice, such practice shall be considered full compliance with this sub-paragraph.

(c) In the case of quotas allocated among supplying countries, the contracting party applying the restrictions shall promptly inform all other

contracting parties having an interest in supplying the product concerned of the shares in the quota currently allocated, by quantity or value, to the various supplying countries and shall give public notice thereof.

4. With regard to restrictions applied in accordance with paragraph 2(d) of this Article or under paragraph 2(c) of Article XI, the selection of a representative period for any product and the appraisal of any special factors affecting the trade in the product shall be made initially by the contracting party applying the restriction; *Provided* that such contracting party shall upon the request of any other contracting party having a substantial interest in supplying that product or upon the request of the CONTRACTING PARTIES, consult promptly with the other contracting party or the CONTRACTING PARTIES regarding the need for an adjustment of the proportion determined or of the base period selected, or for the reappraisal of the special factors involved, or for the elimination of conditions, formalities or other provisions established unilaterally relating to the allocation of an adequate quota or its unrestricted utilization.

5. The provisions of this Article shall apply to any tariff quota instituted or maintained by any contracting party, and, insofar as applicable, the principles of this Article shall also extend to export restrictions and to any internal regulation or requirement under paragraphs 3 and 4 of Article III.

ARTICLE XIV¹⁶

Exceptions to the Rule of Non-discrimination

1. (a) The contracting parties recognize that when a substantial and widespread disequilibrium prevails in international trade and payments a contracting party applying restrictions under Article XII may be able to increase its imports from certain sources without unduly depleting its monetary reserves, if permitted to depart from the provisions of Article XIII. The contracting parties also recognise the need for close limitation of such departures so as not to handicap achievement of multilateral international trade.

(b) Accordingly, when a substantial and widespread disequilibrium prevails in international trade and payments, a contracting party applying import restrictions under Article XII may relax such restrictions in a manner which departs from the provisions of Article XIII to the extent necessary to obtain additional imports above the maximum total of imports which it could afford in the light of the requirements of paragraph 2 of Article XII if its restrictions were fully consistent with the provisions of Article XIII, provided that

(i) levels of delivered prices for products so imported are not established substantially higher than those ruling for comparable goods regularly available from other contracting parties, and that any excess of such

¹⁶ See also interpretative notes, p. 685.

price levels for products so imported is progressively reduced over a reasonable period;

(ii) the contracting party taking such action does not do so as part of any arrangement by which the gold or convertible currency which the contracting party currently receives directly or indirectly from its exports to other contracting parties not party to the arrangement is appreciably reduced below the level it could otherwise have been reasonably expected to attain;

(iii) such action does not cause unnecessary damage to the commercial or economic interests of any other contracting party.

(c) Any contracting party taking action under this paragraph shall observe the principles of sub-paragraph (b) of this paragraph. A contracting party shall desist from transactions which prove to be inconsistent with that sub-paragraph, but the contracting party shall not be required to satisfy itself, when it is not practicable to do so, that the requirements of that sub-paragraph are fulfilled in respect of individual transactions.

(d) Contracting parties undertake, in framing and carrying out any programme for additional imports under this paragraph, to have due regard to the need to facilitate the termination of any exchange arrangements which deviate from the obligations of Sections 2, 3 and 4 of Article VIII of the Articles of Agreement of the International Monetary Fund and to the need to restore equilibrium in their balances of payments on a sound and lasting basis.

2. Any contracting party taking action under paragraph 1 of this Article shall keep the CONTRACTING PARTIES regularly informed regarding such action and shall provide such available relevant information as they may request.

3. (a) Not later than March 1, 1952 (five years after the date on which the International Monetary Fund began operations) and in each year thereafter, any contracting party maintaining or proposing to institute action under paragraph 1 of this Article shall seek the approval of the CONTRACTING PARTIES which shall thereupon determine whether the circumstances of the contracting party justify the maintenance or institution of action by it under paragraph 1 of this Article. After March 1, 1952, no contracting party shall maintain or institute such action without determination by the CONTRACTING PARTIES that the contracting party's circumstances justify the maintenance or institution of such action, as the case may be, and the subsequent maintenance or institution of such action by the contracting party shall be subject to any limitations which the CONTRACTING PARTIES may prescribe for the purpose of ensuring compliance with the provisions of paragraph 1 of this Article; *Provided* that the CONTRACTING PARTIES shall not require that prior approval be obtained for individual transactions.

(b) If at any time the CONTRACTING PARTIES find that import restrictions are being applied by a contracting party in a discriminatory man-

ner inconsistent with the exceptions provided for under paragraph 1 of this Article, the contracting party shall, within sixty days, remove the discrimination or modify it as specified by the CONTRACTING PARTIES; *Provided* that any action under paragraph 1 of this Article, to the extent that it has been approved by the CONTRACTING PARTIES under sub-paragraph (a) of this paragraph or to the extent that it has been approved by them at the request of a contracting party under a procedure analogous to that of paragraph 4(c) of Article XII, shall not be open to challenge under this sub-paragraph or under paragraph 4(d) of Article XII on the ground that it is inconsistent with the provisions of Article XIII.

(c) Not later than March 1, 1950, and in each year thereafter so long as any contracting parties are taking action under paragraph 1 of this Article, the CONTRACTING PARTIES shall report on the action still taken by contracting parties under that paragraph. On or about March 1, 1952, and in each year thereafter so long as any contracting parties are taking action under paragraph 1 of this Article, and at such times thereafter as they may decide, the CONTRACTING PARTIES shall review the question whether there then exists such a substantial and widespread disequilibrium in international trade and payments as to justify resort to paragraph 1 of this Article by contracting parties. If it appears at any date prior to March 1, 1952, that there has been a substantial and general improvement in international trade and payments, the CONTRACTING PARTIES may review the situation at that date. If, as a result of any such review, the CONTRACTING PARTIES determine that no such disequilibrium exists, the provisions of paragraph 1 of this Article shall be suspended, and all actions authorized thereunder shall cease six months after such determination.

4. The provisions of Article XIII shall not preclude restrictions in accordance with Article XII which either

(a) are applied against imports from other countries, but not as among themselves, by a group of territories having a common quota in the International Monetary Fund, on condition that such restrictions are in all other respects consistent with the provisions of Article XIII, or

(b) assist, in the period up to December 31, 1951, by measures not involving substantial departure from the provisions of Article XIII, another country whose economy has been disrupted by war.

5. The provisions of this Agreement shall not preclude:

(a) restrictions with equivalent effect to exchange restrictions authorized under Section 3 (b) of Article VII of the Articles of Agreement of the International Monetary Fund; or

(b) restrictions under the preferential arrangements provided for in Annex A of this Agreement, subject to the conditions set forth therein.

6. (a) The provisions of Article XIII shall not enter into force in respect of import restrictions applied by any contracting party pursuant to Article

XII in order to safeguard its external financial position and balance of payments, and the provisions of paragraph 1 of Article XI and Article XIII shall not enter into force in respect of export restrictions applied by any contracting party for the same reason, until January 1, 1949; *Provided* that this period may with the concurrence of the CONTRACTING PARTIES, be extended for such further periods as they may specify in respect of any contracting party whose supply of convertible currencies is inadequate to enable it to apply the above-mentioned provisions.

(b) If a measure taken by a contracting party in the circumstances referred to in sub-paragraph (a) of this paragraph affects the commerce of another contracting party to such an extent as to cause the latter to consider the need of having recourse to the provisions of Article XII, the contracting party having taken that measure shall, if the affected contracting party so requests, enter into immediate consultation with a view to arrangements enabling the affected contracting party to avoid having such recourse, and, if special circumstances are put forward to justify such action, shall temporarily suspend application of the measure for a period of fifteen days.

ARTICLE XV¹⁷

Exchange Arrangements

1. The CONTRACTING PARTIES shall seek co-operation with the International Monetary Fund to the end that the CONTRACTING PARTIES and the Fund may pursue a co-ordinated policy with regard to exchange questions within the jurisdiction of the Fund and questions of quantitative restrictions and other trade measures within the jurisdiction of the CONTRACTING PARTIES.

2. In all cases in which the CONTRACTING PARTIES are called upon to consider or deal with problems concerning monetary reserves, balances of payments or foreign exchange arrangements, they shall consult fully with the International Monetary Fund. In such consultation, the CONTRACTING PARTIES shall accept all findings of statistical and other facts presented by the Fund relating to foreign exchange, monetary reserves and balances of payments, and shall accept the determination of the Fund as to whether action by a contracting party in exchange matters is in accordance with the Articles of Agreement of the International Monetary Fund, or with the terms of a special exchange agreement between that contracting party and the CONTRACTING PARTIES. The CONTRACTING PARTIES, in reaching their final decision in cases involving the criteria set forth in paragraph 2 (a) of Article XII, shall accept the determination of the Fund as to what constitutes a serious decline in the contracting party's monetary reserves, a very low level of its monetary reserves or a reasonable rate of increase in its monetary re-

¹⁷ See also interpretative notes, p. 685.

serves, and as to the financial aspects of other matters covered in consultation in such cases.

3. The CONTRACTING PARTIES shall seek agreement with the Fund regarding procedures for consultation under paragraph 2 of this Article.

4. Contracting parties shall not, by exchange action, frustrate the intent of the provisions of this Agreement, nor, by trade action, the intent of the provisions of the Articles of Agreement of the International Monetary Fund.

5. If the CONTRACTING PARTIES consider, at any time, that exchange restrictions on payments and transfers in connection with imports are being applied by a contracting party in a manner inconsistent with the exceptions provided for in this Agreement for quantitative restrictions, they shall report thereon to the Fund.

6. Any contracting party which is not a member of the Fund shall, within a time to be determined by the CONTRACTING PARTIES after consultation with the Fund, become a member of the Fund, or, failing that, enter into a special exchange agreement with the CONTRACTING PARTIES. A contracting party which ceases to be a member of the Fund shall forthwith enter into a special exchange agreement with the CONTRACTING PARTIES. Any special exchange agreement entered into by a contracting party under this paragraph shall thereupon become part of its obligations under this Agreement.

7. (a) A special exchange agreement between a contracting party and the CONTRACTING PARTIES under paragraph 6 of this Article shall provide to the satisfaction of the CONTRACTING PARTIES that the objectives of this Agreement will not be frustrated as a result of action in exchange matters by the contracting party in question.

(b) The terms of any such agreement shall not impose obligations on the contracting party in exchange matters generally more restrictive than those imposed by the Articles of Agreement of the International Monetary Fund on members of the Fund.

8. A contracting party which is not a member of the Fund shall furnish such information within the general scope of Section 5 of Article VIII of the Articles of Agreement of the International Monetary Fund as the CONTRACTING PARTIES may require in order to carry out their functions under this Agreement.

9. Subject to the provisions of paragraph 4 of this Article, nothing in this Agreement shall preclude:

(a) the use by a contracting party of exchange controls or exchange restrictions in accordance with the Articles of Agreement of the International Monetary Fund or with that contracting party's special exchange agreement with the CONTRACTING PARTIES, or

(b) the use by a contracting party of restrictions or controls on imports or exports, the sole effect of which, additional to the effects permitted under Articles XI, XII, XIII and XIV, is to make effective such exchange controls or exchange restrictions.

ARTICLE XVI

Subsidies

If any contracting party grants or maintains any subsidy, including any form of income or price support, which operates directly or indirectly to increase exports of any product from, or to reduce imports of any product into, its territory, it shall notify the CONTRACTING PARTIES in writing of the extent and nature of the subsidization, of the estimated effect of the subsidization on the quantity of the affected product or products imported into or exported from its territory and of the circumstances making the subsidization necessary. In any case in which it is determined that serious prejudice to the interests of any other contracting party is caused or threatened by any such subsidization, the contracting party granting the subsidy shall, upon request, discuss with the other contracting party or parties concerned, or with the CONTRACTING PARTIES, the possibility of limiting the subsidization.

ARTICLE XVII¹⁸*Non-discriminatory Treatment on the part of State-Trading Enterprises*

1. (a) Each contracting party undertakes that if it establishes or maintains a state enterprise, wherever located, or grants to any enterprise, formally or in effect, exclusive or special privileges, such enterprise shall, in its purchases or sales involving either imports or exports, act in a manner consistent with the general principles of non-discriminatory treatment prescribed in this Agreement for governmental measures affecting imports or exports by private traders.

(b) The provisions of sub-paragraph (a) of this paragraph shall be understood to require that such enterprises shall, having due regard to the other provisions of this Agreement, make any such purchases or sales solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale, and shall afford the enterprises of the other contracting parties adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases or sales.

(c) No contracting party shall prevent any enterprise (whether or not an enterprise described in sub-paragraph (a) of this paragraph) under its jurisdiction from acting in accordance with the principles of sub-paragraphs (a) and (b) of this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to imports of products for immediate or ultimate consumption in governmental use and not otherwise for re-sale or for use in the production of goods for sale.

¹⁸ See also interpretative notes, p. 686.

With respect to such imports, each contracting party shall accord to the trade of the other contracting parties fair and equitable treatment.

ARTICLE XVIII

Adjustments in Connection with Economic Development

1. The contracting parties recognize that special governmental assistance may be required to promote the establishment, development or reconstruction of particular industries or particular branches of agriculture, and that in appropriate circumstances the grant of such assistance in the form of protective measures is justified. At the same time they recognize that an unwise use of such measures would impose undue burdens on their own economies and unwarranted restrictions on international trade, and might increase unnecessarily the difficulties of adjustment for the economies of other countries.

2. (a) If a contracting party, in the interest of its programme of economic development or reconstruction, considers it desirable to adopt any non-discriminatory measure which would conflict with any obligation which it has assumed under Article II, or with any other provision of this Agreement, such applicant contracting party shall so notify the CONTRACTING PARTIES and shall transmit to them a written statement of the considerations in support of the adoption of the proposed measure.

(b) The CONTRACTING PARTIES shall promptly transmit such statement to all other contracting parties, and any contracting party which considers that its trade would be substantially affected by the proposed measure shall transmit its views to the CONTRACTING PARTIES within such period as shall be prescribed by them.

(c) The CONTRACTING PARTIES shall then promptly examine the proposed measure to determine whether they concur in it, with or without modification, and shall in their examination have regard to the provisions of this Agreement, to the considerations presented by the applicant contracting party and its stage of economic development or reconstruction, to the views presented by contracting parties which may be substantially affected, and to the effect which the proposed measure, with or without modification, is likely to have on international trade.

3. (a) If, as a result of their examination pursuant to paragraph 2(c) of this Article, the CONTRACTING PARTIES concur in principle in any proposed measure, with or without modification, which would be inconsistent with any obligation that the applicant contracting party has assumed under Article II, or which would tend to nullify or impair the benefit to any other contracting party or parties of any such obligation, the CONTRACTING PARTIES shall sponsor and assist in negotiations between the applicant contracting party and the other contracting party or parties which would be substantially affected with a view to obtaining substantial agreement. The CONTRACTING

PARTIES shall establish and communicate to the contracting parties concerned a time schedule for such negotiations.

(b) Contracting parties shall commence the negotiations provided for in sub-paragraph (a) of this paragraph within such period as the CONTRACTING PARTIES may prescribe and shall thereafter, unless the CONTRACTING PARTIES decide otherwise, proceed continuously with such negotiations with a view to reaching substantial agreement in accordance with the time schedule laid down by the CONTRACTING PARTIES.

(c) Upon substantial agreement being reached, the CONTRACTING PARTIES may release the applicant contracting party from the obligation referred to in sub-paragraph (a) of this paragraph or from any other relevant obligation under this Agreement, subject to such limitations as may have been agreed upon in the negotiations between the contracting parties concerned.

4. (a) If, as a result of their examination pursuant to paragraph 2(c) of this Article, the CONTRACTING PARTIES concur in any proposed measure, with or without modification, other than a measure referred to in paragraph 3(a) of this Article, which would be inconsistent with any provision of this Agreement, the CONTRACTING PARTIES may release the applicant contracting party from any obligation under such provision, subject to such limitations as they may impose.

(b) If, having regard to the provisions of paragraph 2(c) of this Article, it is established in the course of such examination that such measure is unlikely to be more restrictive of international trade than any other practicable and reasonable measure permitted under this Agreement which could be imposed without undue difficulty and that it is the one most suitable for the purpose having regard to the economics of the industry or the branch of agriculture concerned and to the current economic condition of the applicant contracting party, the CONTRACTING PARTIES shall concur in such measure and grant such release as may be required to enable such measure to be made effective.

(c) If in anticipation of the concurrence of the CONTRACTING PARTIES in the adoption of a measure concerning which notice has been given under paragraph 2 of this Article, other than a measure referred to in paragraph 3(a) of this Article, there should be an increase or threatened increase in the importations of the product or products concerned, including products which can be directly substituted therefor, so substantial as to jeopardize the plans of the applicant contracting party for the establishment, development or reconstruction of the industry or industries or branches of agriculture concerned, and if no preventive measures consistent with this Agreement can be found which seem likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require pending a determination by the CONTRACTING PARTIES, provided that such measures do not reduce imports below the level obtaining in the most recent represent-

ative period preceding the date on which the contracting party's original notification was made under paragraph 2 of this Article.

5. (a) In the case of measures referred to in paragraph 3 of this Article, the CONTRACTING PARTIES shall, at the earliest opportunity but ordinarily within fifteen days after receipt of the statement referred to in paragraph 2(a) of this Article, advise the applicant contracting party of the date by which they will notify it whether or not they concur in principle in the proposed measure, with or without modification.

(b) In the case of measures referred to in paragraph 4 of this Article, the CONTRACTING PARTIES shall, as in sub-paragraph (a) of this paragraph, advise the applicant contracting party of the date by which they will notify it whether or not it is released from such obligation or obligations as may be relevant; *Provided that*, if the applicant contracting party does not receive a final reply by the date fixed by the CONTRACTING PARTIES, it may, after communicating with the CONTRACTING PARTIES, institute the proposed measure upon the expiration of a further thirty days from such date.

6. Any contracting party may maintain any non-discriminatory measure, in force on September 1, 1947, which has been imposed for the establishment, development or reconstruction of particular industries or particular branches of agriculture and which is not otherwise permitted by this Agreement; *Provided that* any such contracting party shall have notified the other contracting parties, not later than October 10, 1947, of each product on which any such existing measure is to be maintained and of the nature and purpose of such measure. Any contracting party maintaining any such measure shall, within sixty days of becoming a contracting party, notify the CONTRACTING PARTIES of the measure concerned, the considerations in support of its maintenance and the period for which it wishes to maintain the measure. The CONTRACTING PARTIES shall, as soon as possible but in any case within twelve months from the day on which such contracting party becomes a contracting party, examine and give a decision concerning the measure as if it had been submitted to the CONTRACTING PARTIES for their concurrence under the provisions of the preceding paragraphs of this Article. The CONTRACTING PARTIES, in making a decision under this paragraph specifying a date by which any modification in or withdrawal of the measure is to be made, shall have regard to the possible need of a contracting party for a suitable period of time in which to make such modification or withdrawal.

7. The provisions of paragraph 6 of this Article shall not apply, in respect of any contracting party, to any product described in the appropriate Schedule annexed to this Agreement.

ARTICLE XIX

Emergency Action on Imports of Particular Products

1. (a) If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this Agreement, including

tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part or to withdraw or modify the concession.

(b) If any product, which is the subject of a concession with respect to a preference, is being imported into the territory of a contracting party in the circumstances set forth in sub-paragraph (a) of this paragraph, so as to cause or threaten serious injury to domestic producers of like or directly competitive products in the territory of a contracting party which receives or received such preference, the importing contracting party shall be free, if that other contracting party so requests, to suspend the relevant obligation in whole or in part or to withdraw or modify the concession in respect of the product, to the extent and for such time as may be necessary to prevent or remedy such injury.

2. Before any contracting party shall take action pursuant to the provisions of paragraph 1 of this Article, it shall give notice in writing to the CONTRACTING PARTIES as far in advance as may be practicable and shall afford the CONTRACTING PARTIES and those contracting parties having a substantial interest as exporters of the product concerned an opportunity to consult with it in respect of the proposed action. When such notice is given in relation to a concession with respect to a preference, the notice shall name the contracting party which has requested the action. In critical circumstances, where delay would cause damage which it would be difficult to repair, action under paragraph 1 of this Article may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

3. (a) If agreement among the interested contracting parties with respect to the action is not reached, the contracting party which proposes to take or continue the action shall, nevertheless, be free to do so, and if such action is taken or continued, the affected contracting parties shall then be free, not later than ninety days after such action is taken, to suspend, upon the expiration of thirty days from the day on which written notice of such suspension is received by the CONTRACTING PARTIES, the application to the trade of the contracting party taking such action, or, in the case envisaged in paragraph 1(b) of this Article, to the trade of the contracting party requesting such action, of such substantially equivalent obligations or concessions under this Agreement the suspension of which the CONTRACTING PARTIES do not disapprove.

(b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph, where action is taken under paragraph 2 of this Article without prior consultation and causes or threatens serious injury in the territory of a con-

tracting party to the domestic producers of products affected by the action, that contracting party shall, where delay would cause damage difficult to repair, be free to suspend, upon the taking of the action and throughout the period of consultation, such obligations or concessions as may be necessary to prevent or remedy the injury.

ARTICLE XX

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

- I. (a) necessary to protect public morals;
 - (b) necessary to protect human, animal or plant life or health;
 - (c) relating to the importation or exportation of gold or silver;
 - (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII, the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
 - (e) relating to the products of prison labour;
 - (f) imposed for the protection of national treasures of artistic, historic or archaeological value;
 - (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
 - (h) undertaken in pursuance of obligations under intergovernmental commodity agreements, conforming to the principles approved by the Economic and Social Council of the United Nations in its Resolution of March 28, 1947, establishing an Interim Co-ordinating Committee for International Commodity Arrangements; or
 - (i) involving restrictions on exports of domestic materials necessary to assure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan; *Provided* that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to non-discrimination;
- II. (a) essential to the acquisition or distribution of products in general or local short supply; *Provided* that any such measures shall be consistent with any multilateral arrangements directed to an equitable international distribution of such products or, in the absence of such arrangements, with

the principle that all contracting parties are entitled to an equitable share of the international supply of such products;

(b) essential to the control of prices by a contracting party undergoing shortages subsequent to the war; or

(c) essential to the orderly liquidation of temporary surpluses of stocks owned or controlled by the government of any contracting party or of industries developed in the territory of any contracting party owing to the exigencies of the war which it would be uneconomic to maintain in normal conditions; *Provided* that such measures shall not be instituted by any contracting party except after consultation with other interested contracting parties with a view to appropriate international action.

Measures instituted or maintained under part II of this Article which are inconsistent with the other provisions of this Agreement shall be removed as soon as the conditions giving rise to them have ceased, and in any event not later than January 1, 1951; *Provided* that this period may, with the concurrence of the CONTRACTING PARTIES, be extended in respect of the application of any particular measure to any particular product by any particular contracting party for such further periods as the CONTRACTING PARTIES may specify.

ARTICLE XXI

Security Exceptions

Nothing in this Agreement shall be construed

(a) to require any contracting party to furnish any information the disclosure of which it considers contrary to its essential security interests; or

(b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests

(i) relating to fissionable materials or the materials from which they are derived;

(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;

(iii) taken in time of war or other emergency in international relations;
or

(c) to prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

ARTICLE XXII

Consultation

Each contracting party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such represen-

tations as may be made by any other contracting party with respect to the operation of customs regulations and formalities, anti-dumping and countervailing duties, quantitative and exchange regulations, subsidies, state-trading operations, sanitary laws and regulations for the protection of human, animal or plant life or health, and generally all matters affecting the operation of this Agreement.

ARTICLE XXIII

Nullification or Impairment

1. If any contracting party should consider that any benefit accruing to it directly or indirectly under this Agreement is being nullified or impaired or that the attainment of any objective of the Agreement is being impeded as the result of (a) the failure of another contracting party to carry out its obligations under this Agreement, or (b) the application by another contracting party of any measure, whether or not it conflicts with the provisions of this Agreement, or (c) the existence of any other situation, the contracting party may, with a view to the satisfactory adjustment of the matter, make written representations or proposals to the other contracting party or parties which it considers to be concerned. Any contracting party thus approached shall give sympathetic consideration to the representations or proposals made to it.

2. If no satisfactory adjustment is effected between the contracting parties concerned within a reasonable time, or if the difficulty is of the type described in paragraph 1(c) of this Article, the matter may be referred to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly investigate any matter so referred to them and shall make appropriate recommendations to the contracting parties which they consider to be concerned, or give a ruling on the matter, as appropriate. The CONTRACTING PARTIES may consult with contracting parties, with the Economic and Social Council of the United Nations and with any appropriate inter-governmental organization in cases where they consider such consultation necessary. If the CONTRACTING PARTIES consider that the circumstances are serious enough to justify such action, they may authorize a contracting party or parties to suspend the application to any other contracting party or parties of such obligations or concessions under this Agreement as they determine to be appropriate in the circumstances. If the application to any contracting party of any obligation or concession is in fact suspended, that contracting party shall then be free, not later than sixty days after such action is taken, to advise the Secretary-General of the United Nations in writing of its intention to withdraw from this Agreement and such withdrawal shall take effect upon the expiration of sixty days from the day on which written notice of such withdrawal is received by him.

PART III

ARTICLE XXIV¹⁹*Territorial Application—Frontier Traffic—Customs Unions*

1. The rights and obligations arising under this Agreement shall be deemed to be in force between each and every territory which is a separate customs territory and in respect of which this Agreement has been accepted under Article XXVI or is being applied under the Protocol of Provisional Application.

2. The provisions of this Agreement shall not be construed to prevent:

(a) advantages accorded by any contracting party to adjacent countries in order to facilitate frontier traffic;

(b) the formation of a customs union or the adoption of an interim agreement necessary for the attainment of a customs union; *Provided* that the duties and other regulations of commerce imposed by, or any margin of preference maintained by, any such union or agreement in respect of trade with other contracting parties shall not on the whole be higher or more stringent than the average level of the duties and regulations of commerce or margins of preference applicable in the constituent territories prior to the formation of such union or the adoption of such agreement; and *Provided* further that any such interim agreement shall include a definite plan and schedule for the attainment of such a customs union within a reasonable length of time.

3. (a) Any contracting party proposing to enter into a customs union shall consult with the CONTRACTING PARTIES and shall make available to them such information regarding the proposed union as will enable them to make such reports and recommendations to contracting parties as may be deemed appropriate.

(b) No contracting party shall institute or maintain any interim agreement under the provisions of paragraph 2 (b) of this Article if, after a study of the plan and schedule proposed in such agreement, the CONTRACTING PARTIES find that such agreement is not likely to result in such a customs union within a reasonable length of time.

(c) The plan or schedule shall not be substantially altered without consultation with the CONTRACTING PARTIES.

4. For the purposes of this Article a customs territory shall be understood to mean any territory with respect to which separate tariffs or other regulations of commerce are maintained for a substantial part of the trade of such territory with other territories. A customs union shall be understood to mean the substitution of a single customs territory for two or more customs territories, so that all tariffs and other restrictive regulations of commerce as be-

¹⁹ See also interpretative notes, p. 686.

tween the territories of members of the union are substantially eliminated and substantially the same tariffs and other regulations of commerce are applied by each of the members of the union to the trade of territories not included in the union.

5. Taking into account the exceptional circumstances arising out of the establishment of India and Pakistan as independent states and recognizing the fact that they have long constituted an economic unit, the contracting parties agree that the provisions of this Agreement shall not prevent the two countries from entering into special arrangements with respect to the trade between them, pending the establishment of their mutual trade relations on a definitive basis.

6. Each contracting party shall take such reasonable measures as may be available to it to assure observance of the provisions of this Agreement by the regional and local governments and authorities within its territory.

ARTICLE XXV

Joint Action by the Contracting Parties

1. Representatives of the contracting parties shall meet from time to time for the purpose of giving effect to those provisions of this Agreement which involve joint action and, generally, with a view to facilitating the operation and furthering the objectives of this Agreement. Wherever reference is made in this Agreement to the contracting parties acting jointly they are designated as the CONTRACTING PARTIES.

2. The Secretary-General of the United Nations is requested to convene the first meeting of the CONTRACTING PARTIES which shall take place not later than March 1, 1948.

3. Each contracting party shall be entitled to have one vote at all meetings of the CONTRACTING PARTIES.

4. Except as otherwise provided for in this Agreement, decisions of the CONTRACTING PARTIES shall be taken by a majority of the votes cast.

5. In exceptional circumstances not elsewhere provided for in this Agreement, the CONTRACTING PARTIES may waive an obligation imposed upon a contracting party by this Agreement; *Provided* that any such decision shall be approved by a two-thirds majority of the votes cast and that such majority shall comprise more than half of the contracting parties. The CONTRACTING PARTIES may also by such a vote

(a) define certain categories of exceptional circumstances to which other voting requirements shall apply for the waiver of obligations, and

(b) prescribe such criteria as may be necessary for the application of this paragraph.

ARTICLE XXVI²⁰*Acceptance, Entry into Force and Registration*

1. The present Agreement shall bear the date of the signature of the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment and shall be open to acceptance by any government signatory to the Final Act.

2. This Agreement, done in a single English original and in a single French original, both texts authentic, shall be deposited with the Secretary-General of the United Nations, who shall furnish certified copies thereof to all interested governments.

3. Each government accepting this Agreement shall deposit an instrument of acceptance with the Secretary-General of the United Nations, who will inform all interested governments of the date of deposit of each instrument of acceptance and of the day on which this Agreement enters into force under paragraph 5 of this Article.

4. Each government accepting this Agreement does so in respect of its metropolitan territory and of the other territories for which it has international responsibility; *Provided* that it may at the time of acceptance declare that any separate customs territory for which it has international responsibility possesses full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, and that its acceptance does not relate to such territory; and *Provided* further that if any of the customs territories on behalf of which a contracting party has accepted this Agreement possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party.

5. (a) This Agreement shall enter into force, as among the governments which have accepted it, on the thirtieth day following the day on which instruments of acceptance have been deposited with the Secretary-General of the United Nations on behalf of governments signatory to the Final Act the territories of which account for eighty-five per centum of the total external trade of the territories of the signatories to the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment. Such percentage shall be determined in accordance with the table set forth in Annex H. The instrument of acceptance of each other government signatory to the Final Act shall take effect on the thirtieth day following the day on which such instrument is deposited.

²⁰ See also interpretative notes, p. 687.

(b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph, this Agreement shall not enter into force under this paragraph until any agreement necessary under the provisions of paragraph 2(a) of Article XXIX has been reached.

6. The United Nations is authorized to effect registration of this Agreement as soon as it enters into force.

ARTICLE XXVII

Withholding or Withdrawal of Concessions

Any contracting party shall at any time be free to withhold or to withdraw in whole or in part any concession, provided for in the appropriate Schedule annexed to this Agreement, in respect of which such contracting party determines that it was initially negotiated with a government which has not become, or has ceased to be, a contracting party. The contracting party taking such action shall give notice to all other contracting parties and, upon request, consult with the contracting parties which have a substantial interest in the product concerned.

ARTICLE XXVIII

Modification of Schedules

1. On or after January 1, 1951, any contracting party may, by negotiation and agreement with any other contracting party with which such treatment was initially negotiated, and subject to consultation with such other contracting parties as the CONTRACTING PARTIES determine to have a substantial interest in such treatment, modify, or cease to apply, the treatment which it has agreed to accord under Article II to any product described in the appropriate Schedule annexed to this Agreement. In such negotiations and agreement, which may include provision for compensatory adjustment with respect to other products, the contracting parties concerned shall endeavour to maintain a general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided for in the present Agreement.

2. (a) If agreement between the contracting parties primarily concerned cannot be reached, the contracting party which proposes to modify or cease to apply such treatment shall, nevertheless, be free to do so, and if such action is taken the contracting party with which such treatment was initially negotiated, and the other contracting parties determined under paragraph 1 of this Article to have a substantial interest, shall then be free, not later than six months after such action is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the CONTRACTING PARTIES, substantially equivalent concessions initially negotiated with the contracting party taking such action.

(b) If agreement between the contracting parties primarily concerned is reached but any other contracting party determined under paragraph 1 of this Article to have a substantial interest is not satisfied, such other contracting party shall be free, not later than six months after action under such agreement is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the CONTRACTING PARTIES, substantially equivalent concessions initially negotiated with a contracting party taking action under such agreement.

ARTICLE XXIX

Relation of this Agreement to the Charter for an International Trade Organization

1. The contracting parties, recognizing that the objectives set forth in the preamble of this Agreement can best be attained through the adoption, by the United Nations Conference on Trade and Employment, of a Charter leading to the creation of an International Trade Organization, undertake, pending their acceptance of such a Charter in accordance with their constitutional procedures, to observe to the fullest extent of their executive authority the general principles of the Draft Charter submitted to the Conference by the Preparatory Committee.

2. (a) On the day on which the Charter of the International Trade Organization²¹ enters into force, Article I and Part II of this Agreement shall be suspended and superseded by the corresponding provisions of the Charter; *Provided* that within sixty days of the closing of the United Nations Conference on Trade and Employment any contracting party may lodge with the other contracting parties an objection to any provisions of this Agreement being so suspended and superseded; in such case the contracting parties shall, within sixty days after the final date for the lodging of objections, confer to consider the objection in order to agree whether the provisions of the Charter to which objection has been lodged, or the corresponding provisions of this Agreement in its existing form or any amended form, shall apply.

(b) The contracting parties will also agree concerning the transfer to the International Trade Organization of their functions under Article XXV.

3. If any contracting party has not accepted the Charter when it has entered into force, the contracting parties shall confer to agree whether, and if so in what way, this Agreement, insofar as it affects relations between the contracting party which has not accepted the Charter and other contracting parties, shall be supplemented or amended.

4. During the month of January 1949, should the Charter not have entered into force, or at such earlier time as may be agreed if it is known that the Charter will not enter into force, or at such later time as may be agreed if

²¹ Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

the Charter ceases to be in force, the contracting parties shall meet to agree whether this Agreement shall be amended, supplemented or maintained.

5. The signatories of the Final Act which are not at the time contracting parties shall be informed of any objection lodged by a contracting party under the provisions of paragraph 2 of this Article and also of any agreement which may be reached between the contracting parties under paragraphs 2, 3 or 4 of this Article.

ARTICLE XXX

Amendments

1. Except where provision for modification is made elsewhere in this Agreement, amendments to the provisions of Part I of this Agreement or to the provisions of Article XXIX or of this Article shall become effective upon acceptance by all the contracting parties, and other amendments to this Agreement shall become effective, in respect of those contracting parties which accept them, upon acceptance by two-thirds of the contracting parties and thereafter for each other contracting party upon acceptance by it.

2. Any contracting party accepting an amendment to this Agreement shall deposit an instrument of acceptance with the Secretary-General of the United Nations within such period as the CONTRACTING PARTIES may specify. The CONTRACTING PARTIES may decide that any amendment made effective under this Article is of such a nature that any contracting party which has not accepted it within a period specified by the CONTRACTING PARTIES shall be free to withdraw from this Agreement, or to remain a contracting party with the consent of the CONTRACTING PARTIES.

ARTICLE XXXI

Withdrawal

Without prejudice to the provisions of Article XXIII or of paragraph 2 of Article XXX, any contracting party may, on or after January 1, 1951, withdraw from this Agreement, or may separately withdraw on behalf of any of the separate customs territories for which it has international responsibility and which at the time possesses full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement. The withdrawal shall take effect on or after January 1, 1951, upon the expiration of six months from the day on which written notice of withdrawal is received by the Secretary-General of the United Nations.

ARTICLE XXXII

Contracting Parties

1. The contracting parties to this Agreement shall be understood to mean those governments which are applying the provisions of this Agreement

under Article XXVI or pursuant to the Protocol of Provisional Application.

2. At any time after the entry into force of this Agreement pursuant to paragraph 5 of Article XXVI, those contracting parties which have accepted this Agreement pursuant to paragraph 3 of Article XXVI may decide that any contracting party which has not so accepted it shall cease to be a contracting party.

ARTICLE XXXIII

Accession

A government not party to this Agreement, or a government acting on behalf of a separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, may accede to this Agreement, on its own behalf or on behalf of that territory, on terms to be agreed between such government and the contracting parties.

ARTICLE XXXIV

Annexes

The annexes to this Agreement are hereby made an integral part of this Agreement.

ANNEX A

List of Territories Referred to in Paragraph 2 (a) of Article I

United Kingdom of Great Britain and Northern Ireland
 Dependent territories of the United Kingdom of Great Britain and Northern Ireland
 Canada
 Commonwealth of Australia
 Dependent territories of the Commonwealth of Australia
 New Zealand
 Dependent territories of New Zealand
 Union of South Africa including South West Africa
 Ireland
 India (as on April 10, 1947)
 Newfoundland
 Southern Rhodesia
 Burma
 Ceylon

Certain of the territories listed above have two or more preferential rates in force for certain products. Any such territory may, by agreement with the other contracting parties which are principal suppliers of such products at the most-favoured-nation rate, substitute for such preferential rates a single preferential rate which shall not on the whole be less favourable to suppliers at the most-favoured-nation rate than the preference in force prior to such substitution.

The imposition of an equivalent margin of tariff preference to replace a margin of preference in an internal tax existing on April 10, 1947, exclusively between two or more of the territories listed in this Annex or to replace the preferential quantitative arrangements described in the following paragraph, shall not be deemed to constitute an increase in a margin of tariff preference.

The preferential arrangements referred to in paragraph 5 (b) of Article XIV are those existing in the United Kingdom on April 10, 1947, under contractual agreements with the Governments of Canada, Australia and New Zealand, in respect of chilled and frozen beef and veal, frozen mutton and lamb, chilled and frozen pork, and bacon. It is the intention, without prejudice to any action taken under part I (h) of Article XX, that these arrangements shall be eliminated or replaced by tariff preferences, and that negotiations to this end shall take place as soon as practicable among the countries substantially concerned or involved.

The film hire tax in force in New Zealand on April 10, 1947, shall, for the purposes of this Agreement, be treated as a customs duty under Article I. The renters' film quota in force in New Zealand on April 10, 1947, shall, for the purposes of this Agreement, be treated as a screen quota under Article IV.

ANNEX B

List of Territories of the French Union Referred to in Paragraph 2 (b) of Article I

France

French Equatorial Africa (Treaty Basin of the Congo ²² and other territories)

French West Africa

Cameroons under French Mandate ²²

French Somali Coast and Dependencies

French Establishments in India ²²

French Establishments in Oceania

French Establishments in the Condominium of the New Hebrides ²²

Guadeloupe and Dependencies

French Guiana

Indo-China

Madagascar and Dependencies

Morocco (French zone) ²²

Martinique

New Caledonia and Dependencies

Réunion

Saint-Pierre and Miquelon

Togo under French Mandate ²²

Tunisia

²² For imports into Metropolitan France. [Footnote in original.] See rectification contained in protocol of Mar. 24, 1948 (TIAS 1761), *post*, p. 704.

ANNEX C

List of Territories of the Customs Union of Belgium, Luxembourg and the Netherlands Referred to in Paragraph 2 (b) of Article I

The Economic Union of Belgium and Luxembourg

Belgian Congo

Ruanda Urundi

Netherlands

Netherlands Indies

Surinam

Curacao

For imports into the metropolitan territories constituting the Customs Union.

ANNEX D

List of Territories Referred to in Paragraph 2 (b) of Article I as Respects the United States of America

United States of America (customs territory)

Dependent territories of the United States of America

Republic of the Philippines

The imposition of an equivalent margin of tariff preference to replace a margin of preference in an internal tax existing on April 10, 1947, exclusively between two or more of the territories listed in this Annex shall not be deemed to constitute an increase in a margin of tariff preference.

ANNEX E

List of Territories Covered by Preferential Arrangements Between Chile and Neighbouring Countries Referred to in Paragraph 2 (d) of Article I

Preferences in force exclusively between Chile, on the one hand, and

1. Argentina
2. Bolivia
3. Peru

on the other hand.

ANNEX F

List of Territories Covered by Preferential Arrangements Between Lebanon and Syria and Neighbouring Countries Referred to in Paragraph 2 (d) of Article I

Preferences in force exclusively between the Lebano-Syrian Customs Union, on the one hand, and

1. Palestine
2. Transjordan

on the other hand.

ANNEX G

Dates Establishing Maximum Margins of Preference Referred to in Paragraph 3 of Article I

Australia	October 15, 1946
Canada	July 1, 1939
France	January 1, 1939
Lebano-Syrian Customs Union	November 30, 1939
Union of South Africa	July 1, 1938
Southern Rhodesia	May 1, 1941

ANNEX H

Percentage Shares of Total External Trade To Be Used for the Purpose of Making the Determination Referred to in Article XXVI

(Based on the average of 1938 and the latest twelve months for which figures are available)

	<i>Percentage</i>
Australia	3.2
Belgium-Luxemburg-Netherlands	10.9
Brazil	2.8
Burma	0.7
Canada	7.2
Ceylon	0.6
Chile	0.6
China	2.7
Cuba	0.9
Czechoslovakia	1.4
French Union	9.4
India	²³ 3.3
Pakistan	
New Zealand	1.2
Norway	1.5
Southern Rhodesia	0.3
Lebano-Syrian Customs Union	0.1
Union of South Africa	2.3
United Kingdom of Great Britain and Northern Ireland	25.7
United States of America	25.2
	100.0

NOTE: These percentages have been determined taking into account the trade of all territories for which countries mentioned above have international responsibility and which are not self-governing in matters dealt with in the General Agreement on Tariffs and Trade.

²³ The allocation of this percentage will be made by agreement between the governments of India and Pakistan and will be communicated as soon as possible to the Secretary-General of the United Nations. [Footnote in original.]

ANNEX I

Interpretative Notes

AD ARTICLE I

Paragraph 1

The obligations incorporated in paragraph 1 of Article I by reference to paragraphs 1 and 2 of Article III and those incorporated in paragraph 2 (b) of Article II by reference to Article VI shall be considered as falling within Part II for the purposes of the Protocol of Provisional Application.

Paragraph 3

The term "margin of preference" means the absolute difference between the most-favoured-nation rate of duty and the preferential rate of duty for the like product, and not the proportionate relation between those rates. As examples:

- 1.) If the most-favoured-nation rate were 36 per cent ad valorem and the preferential rate were 24 per cent ad valorem, the margin of preference would be 12 per cent ad valorem, and not one-third of the most-favoured-nation rate;
- 2.) If the most-favoured-nation rate were 36 per cent ad valorem and the preferential rate were expressed as two-thirds of the most-favoured-nation rate, the margin of preference would be 12 per cent ad valorem;
- 3.) If the most-favoured-nation rate were 2 francs per kilogram and the preferential rate were 1.50 francs per kilogram, the margin of preference would be 0.50 francs per kilogram.

The following kinds of customs action, taken in accordance with established uniform procedures, would not be contrary to a general binding of margins of preference:

- (i) the re-application to an imported product of a tariff classification or rate of duty, properly applicable to such product, in cases in which the application of such classification or rate to such product was temporarily suspended or inoperative on April 10, 1947; and
- (ii) the classification of a particular product under a tariff item other than that under which importations of that product were classified on April 10, 1947, in cases in which the tariff law clearly contemplates that such product may be classified under more than one tariff item.

AD ARTICLE II

Paragraph 2(b)

See the note relating to paragraph 1 of Article I.

Paragraph 4

Except where otherwise specifically agreed between the contracting parties which initially negotiated the concession, the provisions of this paragraph will be applied in the light of the provisions of Article 31 of the Draft Charter referred to in Article XXIX of this Agreement.

AD ARTICLE V

Paragraph 5

With regard to transportation charges, the principle laid down in paragraph 5 refers to like products being transported on the same route under like conditions.

AD ARTICLE VI

Paragraph 1

Hidden dumping by associated houses (that is, a sale by an importer at a price below that corresponding to the price invoiced by an exporter with whom the importer is associated, and also below the price in the exporting country) constitutes a form of price dumping.

Paragraph 2

Multiple currency practices can in certain circumstances constitute a subsidy to exports which may be met by countervailing duties under paragraph 2 or can constitute a form of dumping by means of a partial depreciation of a country's currency which may be met by action under paragraph 1 of this Article. By "multiple currency practices" is meant practices by governments or sanction by governments.

Paragraph 7

The obligations set forth in paragraph 7, as in the case of other obligations under this Agreement, are subject to the provisions of Article XIX.

AD ARTICLE VII

Paragraph 1

Consideration was given to the desirability of replacing the words "at the earliest practicable date" by a definite date or, alternatively, by a provision for a specified limited period to be fixed later. It was appreciated that it would not be possible for all contracting parties to give effect to these principles by a fixed time, but it was nevertheless understood that a majority of the contracting parties would give effect to them at the time the Agreement enters into force.

Paragraph 2

It would be in conformity with Article VII to presume that "actual value" may be represented by the invoice price, plus any non-included charges for

legitimate costs which are proper elements of "actual value" and plus any abnormal discount or other reduction from the ordinary competitive price.

It would be in conformity with Article VII, paragraph 2(b), for a contracting party to construe the phrase "in the ordinary course of trade", read in conjunction with "under fully competitive conditions", as excluding any transaction wherein the buyer and seller are not independent of each other and price is not the sole consideration.

The prescribed standard of "fully competitive conditions" permits contracting parties to exclude from consideration distributors' prices which involve special discounts limited to exclusive agents.

The wording of sub-paragraph (a) and (b) permits a contracting party to assess duty uniformly either (1) on the basis of a particular exporter's prices of the imported merchandise, or (2) on the basis of the general price level of like merchandise.

AD ARTICLE VIII

While Article VIII does not cover the use of multiple rates of exchange as such, paragraphs 1 and 4 condemn the use of exchange taxes or fees as a device for implementing multiple currency practices; if, however, a contracting party is using multiple currency exchange fees for balance-of-payments reasons with the approval of the International Monetary Fund, the provisions of paragraph 2 fully safeguard its position since that paragraph merely requires that the fees be eliminated at the earliest practicable date.

AD ARTICLE XI

Paragraph 2(c)

The term "in any form" in this paragraph covers the same products when in an early stage of processing and still perishable, which compete directly with the fresh product and if freely imported would tend to make the restriction on the fresh product ineffective.

Paragraph 2, last sub-paragraph

The term "special factors" includes changes in relative productive efficiency as between domestic and foreign producers, or as between different foreign producers, but not changes artificially brought about by means not permitted under the Agreement.

AD ARTICLE XII

Paragraph 3(b)(i)

The phrase "notwithstanding the provisions of paragraph 2 of this Article" has been included in the text to make it clear that a contracting party's import restrictions otherwise "necessary" within the meaning of paragraph 2(a) shall not be considered unnecessary on the ground that a change in

domestic policies as referred to in the text could improve a contracting party's monetary reserve position. The phrase is not intended to suggest that the provisions of paragraph 2 are affected in any other way.

Consideration was given to the special problems that might be created for contracting parties which, as a result of their programmes of full employment, maintenance of high and rising levels of demand and economic development, find themselves faced with a high level of demand for imports, and in consequence maintain quantitative regulation of their foreign trade. It was considered that the present text of Article XII together with the provision for export controls in certain parts of the Agreement, e.g. in Article XX, fully meet the position of these economies.

AD ARTICLE XIII

Paragraph 2(d)

No mention was made of "commercial considerations" as a rule for the allocation of quotas because it was considered that its application by governmental authorities might not always be practicable. Moreover, in cases where it is practicable, a contracting party could apply these considerations in the process of seeking agreement, consistently with the general rule laid down in the opening sentence of paragraph 2.

Paragraph 4

See note relating to "special factors" in connection with the last subparagraph of paragraph 2 of Article XI.

AD ARTICLE XIV

Paragraph 3

It was not considered necessary to make express reference in paragraph 3 to the need for the CONTRACTING PARTIES to consult with the International Monetary Fund, since such consultation in all appropriate cases was already required by virtue of the provisions of paragraph 2 of Article XV.

Paragraph 6(b)

Suspension of any measure for a period of fifteen days would be for the purpose of making the consultation effective, and among the special circumstances which would justify such suspension would be the immediate damage caused to producers of perishable commodities ready for shipment or to consumers of essential goods of which the importing country had no stocks.

AD ARTICLE XV

Paragraph 4

The word "frustrate" is intended to indicate, for example, that infringements of the letter of any Article of this Agreement by exchange action shall not be regarded as a violation of that Article if, in practice, there is no

appreciable departure from the intent of the Article. Thus, a contracting party which, as part of its exchange control operated in accordance with the Articles of Agreement of the International Monetary Fund, requires payment to be received for its exports in its own currency or in the currency of one or more members of the International Monetary Fund will not thereby be deemed to contravene Article XI or Article XIII. Another example would be that of a contracting party which specifies on an import license the country from which the goods may be imported, for the purpose not of introducing any additional element of discrimination in its import licensing system but of enforcing permissible exchange controls.

AD ARTICLE XVII

Paragraph 1

The operations of Marketing Boards, which are established by contracting parties and are engaged in purchasing or selling, are subject to the provisions of sub-paragraphs (a) and (b).

The activities of Marketing Boards which are established by contracting parties and which do not purchase or sell but lay down regulations covering private trade are governed by the relevant Articles of this Agreement.

The charging by a state enterprise of different prices for its sales of a product in different markets is not precluded by the provisions of this Article, provided that such different prices are charged for commercial reasons, to meet conditions of supply and demand in export markets.

Paragraph 1(a)

Governmental measures imposed to ensure standards of quality and efficiency in the operation of external trade, or privileges granted for the exploitation of national natural resources but which do not empower the government to exercise control over the trading activities of the enterprise in question, do not constitute "exclusive or special privileges".

Paragraph 1(b)

A country receiving a "tied loan" is free to take this loan into account as a "commercial consideration" when purchasing requirements abroad.

Paragraph 2

The term "goods" is limited to products as understood in commercial practice, and is not intended to include the purchase or sale of services.

AD ARTICLE XXIV

Paragraph 5

Measures adopted by India and Pakistan in order to carry out definitive trade arrangements between them, once they have been agreed upon, might

depart from particular provisions of this Agreement, but these measures would in general be consistent with the objectives of the Agreement.

AD ARTICLE XXVI

Territories for which the contracting parties have international responsibility do not include areas under military occupation.

Final Note

The applicability of the General Agreement on Tariffs and Trade to the trade of contracting parties with the areas under military occupation has not been dealt with and is reserved for further study at an early date. Meanwhile, nothing in this Agreement shall be taken to prejudice the issues involved. This, of course, does not affect the applicability of the provisions of Articles XXII and XXIII to matters arising from such trade.

[For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. A91 or TIAS 1700, p. 87.]

PROTOCOL OF PROVISIONAL APPLICATION OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

1. The Governments of the COMMONWEALTH OF AUSTRALIA, the KINGDOM OF BELGIUM (in respect of its metropolitan territory), CANADA, the FRENCH REPUBLIC (in respect of its metropolitan territory), the GRAND-DUCHY OF LUXEMBURG, the KINGDOM OF THE NETHERLANDS (in respect of its metropolitan territory), the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (in respect of its metropolitan territory), and the UNITED STATES OF AMERICA, undertake, provided that this Protocol shall have been signed on behalf of all the foregoing Governments not later than November 15, 1947, to apply provisionally on and after January 1, 1948:

- (a) Parts I and III of the General Agreement on Tariffs and Trade, and
- (b) Part II of that Agreement to the fullest extent not inconsistent with existing legislation.

2. The foregoing Governments shall make effective such provisional application of the General Agreement, in respect of any of their territories other than their metropolitan territories, on or after January 1, 1948, upon the expiration of thirty days from the day on which notice of such application is received by the Secretary-General of the United Nations.

3. Any other Government signatory to this Protocol shall make effective such provisional application of the General Agreement, on or after January 1, 1948, upon the expiration of thirty days from the day of signature of this Protocol on behalf of such Government.

4. This Protocol shall remain open for signature at the Headquarters of the United Nations, (a) until November 15, 1947, on behalf of any Government named in paragraph 1 of this Protocol which has not signed it on this day and (b) until June 30, 1948, on behalf of any other Government signatory to the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which has not signed it on this day.

5. Any Government applying this Protocol shall be free to withdraw such application, and such withdrawal shall take effect upon the expiration of sixty days from the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.

6. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who will furnish certified copies thereof to all interested Governments.

In witness whereof the respective Representatives, after having communicated their full powers, found to be in good and due form, have signed this Protocol.

Done at Geneva, in a single copy, in the English and French languages, both texts authentic, this thirtieth day of October, one thousand nine hundred and forty-seven.

For the Kingdom of Belgium:
P. A. FORTHOMME

For Canada:
L. D. WILGROSS

For the Grand-Duchy of Luxemburg:
J. STURM

For the Kingdom of the Netherlands:
A. B. SPEEKENBRINK

For the United Kingdom of Great
Britain and Northern Ireland:
T. M. SNOW

For the United States of America:
WINTHROP BROWN

For the Commonwealth of Australia:
HERBERT V. EVATT
New York 13/11/47

For the French Republic:
New-York le 13 novembre 1947
ANDRÉ PHILIP

RESTITUTION OF MONETARY GOLD LOOTED BY GERMANY: AUSTRIAN PARTICIPATION

Protocol signed at London November 4, 1947
Entered into force November 4, 1947

61 Stat. 3571; Treaties and Other
International Acts Series 1683

PROTOCOL

THE Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the French Republic, hereinafter referred to as "the Allied Governments concerned," on the one hand, and the Government of Austria, on the other, have through the undersigned duly empowered representatives, agreed as follows:

1. The Allied Governments concerned agree that Austria should receive a proportional share of the gold distributed pursuant to Part III of the Agreement on Reparations from Germany, on the establishment of an Inter-Allied Reparations Agency and on the Restitution of Monetary Gold signed at Paris on 14th January, 1946,¹ on the same basis as the countries signatory to the said agreement to the extent that Austria can establish that a definite amount of monetary gold belonging to it was looted by Germany, or, at any time after 12th March, 1938, was wrongfully removed into German territory.

2. Austria adheres to the arrangement for the restitution of monetary gold set forth in Part III of the aforementioned Agreement and declares that the portion of the monetary gold accruing to it under the Agreement is accepted in full satisfaction of all Austrian claims against Germany for restitution of monetary gold.

3. Austria accepts the arrangements which have been or will be made by the Allied Governments concerned for the implementation of the aforesaid.

Done in London this 4th day of November, 1947, in the English and French languages, of which both texts are authentic, in a single copy which shall be deposited in the archives of the Government of the United Kingdom

¹ TIAS 1655, *ante*, p. 5.

of Great Britain and Northern Ireland by whom certified copies shall be transmitted to the other contracting Governments.

For the Government of the United
States of America:
L. W. DOUGLAS

For the Government of the French
Republic:
R. MASSIGLI

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
ERNEST BEVIN

For the Government of Austria:
H. SCHMID

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

*Resolution amending the UNESCO constitution, adopted at México
December 1, 1947
Entered into force December 1, 1947*

[For text, see 10 UST 959; TIAS 4230.]

CLAIMS TO GERMAN ASSETS

*Agreement relating to the resolution of conflicting claims to German
enemy assets, with annex, opened for signature at Brussels, Decem-
ber 5, 1947, and signed for the United States, subject to approval
and with a reservation, December 5, 1947
Amended by additional protocols of February 3, 1949,¹ May 10, 1950,²
January 24, 1951,³ and April 30, 1952⁴
Approval by the United States notified at Brussels by signing of protocol
of January 24, 1951
Entered into force January 24, 1951*

[For text, see 2 UST 729; TIAS 2230.]

¹ 2 UST 785; TIAS 2230.

² 2 UST 791; TIAS 2230.

³ 2 UST 795; TIAS 2230.

⁴ 3 UST 4254; TIAS 2569.

RESTITUTION OF MONETARY GOLD LOOTED BY GERMANY: ITALIAN PARTICIPATION

Protocol signed at London December 16, 1947
Effective September 15, 1947

61 Stat. 3729; Treaties and Other
International Acts Series 1707

PROTOCOL

The governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the French Republic, hereinafter referred to as "the Allied Governments concerned," on the one hand, and the Government of Italy, on the other, have, through the undersigned duly empowered representatives, agreed as follows:

1. The Allied Governments concerned agree that Italy should receive a proportional share of the gold distributed pursuant to Part III of the Agreement on Reparations from Germany, on the establishment of an Inter-Allied Reparations Agency and on the Restitution of Monetary Gold signed at Paris on 14th January, 1946,¹ on the same basis as the countries signatory to the said Agreement to the extent that Italy can establish that a definite amount of monetary gold belonging to it was looted by Germany, or, at any time after 3rd September, 1943, was wrongfully removed into German territory.

2. Italy adheres to the arrangement for the restitution of monetary gold set forth in Part III of the afore-mentioned Agreement and declares that the portion of the monetary gold accruing to it under the Agreement is accepted in full satisfaction of all Italian claims against Germany for restitution of monetary gold.

3. Italy accepts the arrangements which have been or will be made by the Allied Governments concerned for the implementation of the aforesaid arrangement.

4. (a) Pending the definitive settlement of such claims as may be made pursuant to Article 75, paragraph 8, of the Peace Treaty with Italy² within six months of the coming into force of the Treaty, the Italian Government agrees to set aside out of its share as stipulated above, as a guarantee for the

¹ TIAS 1655, *ante*, p. 5.

² TIAS 1648, *ante*, p. 339.

execution of the said provisions of the Treaty, and to leave on deposit with the Allied Governments concerned, an amount of gold approximately equal to the claims which it is now known will be made against Italy under the said provisions, viz., 14,422 kilograms of fine gold in respect of the claim of France and 8,857 kilograms of fine gold in respect of the claim of Yugoslavia.

(*b*) The amount provided for in sub-paragraph (*a*) shall be set aside in full out of any distribution made to Italy before any gold is withdrawn by Italy for its own use.

(*c*) The Allied Governments concerned will notify the Italian Government of the arrangements to be made for depositing the aforesaid amount of gold.

5. The present Protocol shall be deemed to have come into force on the day of the coming into force of the Treaty of Peace [September 15, 1947].

Done in London this 16th day of December, 1947, in the English and French languages, of which both texts are 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 the other contracting Governments.

For the Government of the United
States of America:
L. W. DOUGLAS

For the Government of the French
Republic:
R. MASSIGLI

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
ERNEST BEVIN

For the Government of Italy:
T. GALLARATI SCOTTI

INDO-PACIFIC FISHERIES COUNCIL

Agreement formulated at the Food and Agriculture Organization Fisheries Meeting at Baguio February 26, 1948

Acceptance by the United States deposited with the Food and Agriculture Organization September 3, 1948

Entered into force November 9, 1948

Amended October 14, 1955,¹ and December 17, 1958²

Replaced by agreement of January 20, 1961³

62 Stat. 3711; Treaties and Other
International Acts Series 1895

AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL

On a motion from the Delegation of the United States seconded by the Delegate from the Netherlands the meeting

“RESOLVED

That the representatives of governments members of the Food and Agriculture Organization of the United Nations here assembled, recognizing the mutual interest of their several nations in the development and proper utilization of the living aquatic resources of the Indo-Pacific areas, and believing that this end can best be attained by international collaboration, do hereby recommend to their respective governments for consideration, the acceptance of the following agreement for the establishment of an Indo-Pacific Fisheries Council.”

Preamble

The Governments of Burma, China, France, India, the Netherlands, the Republic of the Philippines, the United Kingdom and the United States of America, members of the Food and Agriculture Organization of the United Nations, having a mutual interest in the development and proper utilization of the living aquatic resources of the Indo-Pacific areas, and desiring to further the attainment of these ends through international cooperation by the establishment of an Indo-Pacific Fisheries Council agree as follows:

¹ 7 UST 2927; TIAS 3674.

² 13 UST 2527; TIAS 5218.

³ 13 UST 2511; TIAS 5218.

ARTICLE I

The Council

1. The contracting Governments agree to establish a Council, to be known as the Indo-Pacific Fisheries Council, for the purpose of carrying out the functions and duties hereinafter set forth in Article III.

2. The members of the Council shall be the Governments which accept this Agreement in accordance with the provisions of Article IX thereof.

ARTICLE II

Organization

1. Each member Government shall be represented at meetings of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Council by alternates, experts and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Each member Government shall have one vote. Decisions of the Council shall be taken by a simple majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Council shall constitute a quorum.

3. The Council shall elect a Chairman and a Vice-Chairman.

4. The Council shall determine the frequency, dates and place of its meeting and establish rules governing its procedure.

5. The chairman shall call a meeting of the Council at least once in every year, unless directed otherwise by a majority of the member Governments. The initial meeting shall be called by the Food and Agriculture Organization of the United Nations within six months after the entry into force of this Agreement, and at such place as it may designate.

6. The seat of the Council shall be at the seat of the Regional Office of the Food and Agriculture Organization of the United Nations most conveniently situated within the area defined in Article IV. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.

7. The Food and Agriculture Organization of the United Nations shall provide the Secretariat for the Council and shall appoint its Secretary.

ARTICLE III

Functions

The Council shall have the following functions and duties:

a. To formulate the oceanographical, biological and other technical aspects of the problems of development and proper utilization of living aquatic resources;

- b. To encourage and coordinate research and the application of improved methods in every day practices;
- c. To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;
- d. To recommend to member Governments such national or cooperative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;
- e. To undertake, where appropriate, cooperative research and development projects directed to this end;
- f. To propose, and where necessary to adopt, measures to bring about the standardization of scientific equipment, techniques and nomenclature;
- g. To extend its good offices in assisting member Governments to secure essential materials and equipment;
- h. To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by member Governments or by the Food and Agriculture Organization of the United Nations and other international, national or private organizations, with related interests;
- i. To report annually to the Conference of the Food and Agriculture Organization of the United Nations upon its activities, for the information of the Conference; and to make such other reports to the Food and Agriculture Organization of the United Nations on matters falling within the competence of the Council as may seem to it necessary and desirable.

ARTICLE IV

Area

The Council shall carry out the functions and duties set forth in Article III in the Indo-Pacific areas.

ARTICLE V

Cooperation with International Bodies

The Council shall cooperate closely with other international bodies in matters of mutual interest.

ARTICLE VI

Expenses

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at meetings of the Council shall be determined and paid by their respective Governments.
2. The expenses of the Secretariat, including publications and communications, and of the Chairman and Vice-Chairman of the Council when performing duties connected with its work during intervals between its meeting, shall be determined and paid by the Food and Agriculture Organization of

the United Nations within the limits of an annual budget prepared and approved in accordance with the current regulations of that Organization.

3. The expenses of research or development projects undertaken by individual members of the Council, whether independently or upon the recommendation of the Council, shall be determined and paid by their respective Governments.

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the member Governments in the form and proportion to which they shall mutually agree.

ARTICLE VII

Amendments

Any proposal for amending this Agreement shall require the approval of a two-thirds majority of all the Members of the Council. An exception to this rule is made in the following cases:

(1) Amendments to the Agreement extending the functions of the Council require the approval of the Conference of the Food and Agriculture Organization of the United Nations in addition to approval by a two-thirds majority of all the Members of the Council;

(2) Amendments of the Agreement extending the powers of the Council to incur expenses to be borne by the Food and Agriculture Organization of the United Nations, shall require the approval of a two-thirds majority of all the Members of the Council and of the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE VIII

Acceptance

1. This Agreement shall be open to acceptance by Governments which are members of the Food and Agriculture Organization of the United Nations.

2. This Agreement shall also be open to acceptance by Governments which are not members of the Food and Agriculture Organization of the United Nations, with the approval of the Conference of the Food and Agriculture Organization of the United Nations and of two-thirds of the members of the Council. Participation by such Governments in the activities of the Council shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat as determined by the Council and approved by the Food and Agriculture Organization Conference.

3. The notifications of acceptance of this Agreement shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned of their receipt.

ARTICLE IX

Entry into Force

1. This Agreement shall enter into force upon the date of receipt of the fifth notification of acceptance.

2. Notifications of acceptance received after the entry into force of this Agreement shall enter into force on the date of their receipt by the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of their receipt.

ARTICLE X

Withdrawal

Any member Government may withdraw from this Agreement, at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Government by giving written notice of such withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of such withdrawal. Notices of withdrawal shall become effective three months from the date of their receipt by the Director-General.

Formulated at Baguio this 26th day of February, one thousand nine hundred and forty-eight, in the English language, in a single copy which shall be deposited in the archives of the Food and Agriculture Organization of the United Nations, which shall furnish certified copies thereof to the Governments members of the Food and Agriculture Organization of the United Nations.

and further

“RESOLVED

That the Director-General of the Food and Agriculture Organization of the United Nations be requested to communicate the text of the agreement adopted by the meeting, together with this resolution, to all governments members of the Food and Agriculture Organization of the United Nations; and that the governments here represented and any other member government that may be interested be invited to accept the agreement.”

and further

“RESOLVED

That the working ⁴ Committees appointed at this Conference continue to function informally until the entry into force of the Agreement in cooperation

⁴ Committees on Hydrology, Biology, Taxonomy and Technology. [Footnote in original.]

with the Fisheries Division of the Food and Agriculture Organization of the United Nations.”

With respect to the first part of the resolution the Delegate of the United States made the following statement:

“The further instructions the U.S. Delegation has been awaiting regarding the need for referral of the Agreement to the FAO Conference have been received.

“These instructions permit concurrence in Resolution one with the qualification that the United States reserve its position with regard to the Agreement entering into effect without referral to the next FAO Conference.

“Since this matter has already been fully discussed and it is apparent that the U.S. position is not shared by other countries it is merely requested that the reservation on this one point be made a matter of record in the minutes of the meeting.”

With respect to the resolutions the Delegate of France made a statement as follows:

“The French delegation accepts the resolutions of the Conference in the English text, subject to the correctness of the French translation” [translation].

Liaison with other International Bodies

It was moved by the Burmese Delegate, seconded by the U.S. Delegate,

“That this meeting draws the attention of the proposed Indo-Pacific Fisheries Council to the need for the avoidance of duplication of effort between the proposed Indo-Pacific Fisheries Council and any similar bodies created by other International Organizations and desires to record its opinion that the Indo-Pacific Fisheries Council should be regarded as the principal organ in those fisheries matters coming within its competence.”

INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Convention signed at Geneva March 6, 1948

Senate advice and consent to ratification, with a reservation and an understanding, June 27, 1950

Ratified by the President of the United States, with a reservation and an understanding, July 11, 1950

Acceptance by the United States, with a reservation and an understanding, deposited with the United Nations August 17, 1950

Entered into force March 17, 1958

Proclaimed by the President of the United States June 2, 1958

Articles 17 and 18 amended September 15, 1964;¹ article 28 amended September 28, 1965²

[For text, see 9 UST 621 ; TIAS 4044.]

¹ 18 UST 1299; TIAS 6285.

² 19 UST 4855; TIAS 6490.

REPARATION FROM GERMANY: INDIA AND PAKISTAN

*Protocol signed at Brussels March 15, 1948, and attached to agreement of January 14, 1946
Effective January 24, 1946*

62 Stat. 2613; Treaties and Other International Acts Series 1797

PROTOCOL ATTACHED TO THE PARIS AGREEMENT OF 14 JANUARY 1946 ON REPARATION FROM GERMANY, ON THE ESTABLISHMENT OF AN INTER ALLIED REPARATION AGENCY AND ON THE RESTITUTION OF MONETARY GOLD

The Governments of Albania, United States of America, Australia, Belgium, Canada, Denmark, Egypt, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxemburg, Norway, New Zealand, Netherlands, Czechoslovakia, Union of South Africa and Yugoslavia, having taken note of the Arrangement of 22 January 1948 under which the Governments of the Dominion of India and the Dominion of Pakistan have agreed to the apportionment between them, in the following manner, of the reparation percentage shares allotted to the Governments of India under Article 1 B of the Paris Agreement of 14 January 1946: ¹

India	Category A: 1.65	Category B: 2.39
Pakistan	Category A: 0.35	Category B: 0.51

Having noted that the Government of the Dominion of India and the Government of the Dominion of Pakistan have agreed that the value of Reparation assets in Category B allocated to the Government of India up to and including 14 August 1947, and amounting, subject to such accounting adjustments by the Inter Allied Reparation Agency as may become necessary, to RM 10.900.000 will be considered to have been apportioned in the following manner:

Dominion of India	RM8.983.000
Dominion of Pakistan	1.917.000

it being understood that the above apportionment is susceptible of adjustment by mutual agreement between the Governments of the Dominions of India and Pakistan;

¹ TIAS 1655, *ante*, p. 6.

Having noted that the Government of the Dominion of India and the Government of the Dominion of Pakistan have agreed that the value of Reparation Assets in Category B allocated to the Government of India between 15 August 1947 and 22 January 1948 and amounting, subject to such accounting adjustments by the Inter Allied Reparations Agency as may become necessary, to RM 1.068.000, will be considered to have been allocated to the Government of the Dominion of India, it being understood that the above allocation is susceptible of adjustment by mutual agreement between the Governments of the Dominions of India and Pakistan,

Have agreed as follows:

Upon the Signature of the Present Protocol by the Governments Signatories of the Paris Agreement and by the Government of the Dominion of Pakistan, the Dominion of Pakistan Shall Be Deemed To Have Been a Government Signatory of the Paris Agreement, as From the Date of the Entry into Force of the Said Agreement [January 24, 1946], With Corresponding Rights and Obligations, and To Have Adhered to the Unanimous Resolutions of the Paris Conference on Reparation. The Governments of the Dominion of India and the Dominion of Pakistan Shall Respectively Be Entitled To Receive the Following Reparation Shares:

India	Category A: 1.65	Category B: 2.39
Pakistan	Category A: 0.35	Category B: 0.51

In witness thereof, the undersigned, duly authorised by their respective Governments, have signed on March 15th 1948 in Brussels the present Protocol, in the English and French languages, the two texts being equally authentic, in a single original which shall be annexed to the Paris Agreement and deposited in the Archives of the Government of the French Republic, a certified copy thereof being furnished by that Government to each Signatory Government, and a certified copy of the Paris Agreement to the Government of the Dominion of Pakistan.

For Albania:
L. JOANIDHI

For United States of America:
RUSSEL H. DORR

For Australia:
RONALD WALKER

For Belgium:
RENÉ DIDISHEIM

For Canada:
VICTOR DORE

For Denmark:
BENT FALKENSTJERNE

For Egypt:
SEDDIK PACHA

For France:
JACQUES RUEFF

For United Kingdom of Great Britain
and Northern Ireland:
DESMOND MORTON

For Greece:
T. TRIANTAFYLAKOS

For India:
R.-S. MANI

For Luxembourg:
N. HOMMEL

For Norway:
THORE BOYE

For New Zealand:
DESMOND MORTON

For Pakistan:
HABIB I. RAHIMTOOLA

For Netherlands:
E.-A. LIEFRINCK

For Czechoslovakia:
CÉLESTIN SMIR

For the Union of South Africa:
J.-K. CHRISTIE

For Yugoslavia:
S. ORLIC

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol of rectifications to the General Agreement of October 30,
1947, signed at Havana March 24, 1948
Entered into force March 24, 1948*

62 Stat. 1962; Treaties and Other
International Acts Series 1761

PROTOCOL OF RECTIFICATIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade,¹ and

The Governments of the United States of Brazil, Burma, Ceylon, the Republic of Chile, the Republic of China, the Czechoslovak Republic, India, Lebanon, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, and the Union of South Africa, acting in their capacity of signatories of the Final Act² adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

Having noted that certain rectifications should be made in the authentic texts of the General Agreement on Tariffs and Trade and of the Annexes and Schedules³ forming part of the said Agreement,

Hereby agree as follows:

1. The following rectification shall be made in the General Agreement on Tariffs and Trade:

In the French text of Article XX, last paragraph, the date shall read in full: "le 1^{er} janvier 1951 au plus tard"

2. The following rectifications shall be made in the Annexes and Schedules forming part of the General Agreement on Tariffs and Trade:

¹ TIAS 1700, *ante*, p. 641.

² TIAS 1700, *ante*, p. 639.

³ For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. A91 or p. 87 of TIAS 1700.

ANNEX B

List of Territories of the French Union referred to in paragraph 2(b) of Article I

The footnote in Annex B shall read:

“ * ²² For imports into Metropolitan France and Territories of the French Union.”

3. The provisions of this Protocol shall on and after this day constitute an integral part of the General Agreement on Tariffs and Trade, dated October 30, 1947, and the rectifications included herein shall be applied as if they had formed a part of said Agreement on that date.

4. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

In witness whereof the respective representatives, duly authorized, have signed the present Protocol.

Done at Havana, in a single copy, in the English and French languages, both texts authentic except where otherwise stated, this twenty-fourth day of March, 1948.

For the Commonwealth of Australia:
H. C. COOMBS

For the Kingdom of Belgium:
M. SUETENS

For the United States of Brazil:
A. DE VILHENA FERREIRA BRAGA

For Burma:
M. MYAT TUN

For Canada:
L. D. WILGRESS

For Ceylon:
B. MAHADEVA

For the Republic of Chile:
W. MÜLLER

For the Republic of China:
WUNSZ KING

For the Republic of Cuba:
GUSTAVO GUTÉRREZ

For the Czechoslovak Republic:
Z. AUGENTHALER

For the French Republic:
JEAN ROYER

For India:
HARDIT SINGH MALIK

For Lebanon:
GEORGES HAKIM

For the Grand-Duchy of Luxemburg:
J. WOULBROUN

For the Kingdom of the Netherlands:
A. B. SPREEKENBRINK

For New Zealand:
W. NASH

For the Kingdom of Norway:
ARNE SKAUG

For Pakistan:
M. A. H. ISPAHANI

For Southern Rhodesia:
S. ROWE

For Syria:
HUSNI A. SAWWAF

For the Union of South Africa:
H. T. ANDREWS

For the United Kingdom of Great
Britain and Northern Ireland:
STEPHEN L. HOLMES

For the United States of America:
JOHN W. EVANS

* For rectifications of schedules, see 62 Stat. 1963.

GENERAL AGREEMENT ON TARIFFS AND TRADE

Declaration signed at Havana March 24, 1948, pursuant to subparagraph 2 (a) of article XXIX of the General Agreement of October 30, 1947

62 Stat. 1988; Treaties and Other
International Acts Series 1762

DECLARATION

The Governments of the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of Cuba, the French Republic, India, Lebanon, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Syria, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Taking note of the provisions of sub-paragraph 2 (a) of Article XXIX of the General Agreement on Tariffs and Trade,¹ whereby within sixty days of the closing of the United Nations Conference on Trade and Employment any contracting party may lodge with the other contracting parties an objection to any provision or provisions of Article I or of Part II of the General Agreement on Tariffs and Trade being suspended and superseded by the corresponding provisions of the Havana Charter² on the day on which the Charter comes into force,

Hereby declare that they will not lodge any such objection to the suspension and supersession of paragraphs 1 and 2 of Article I and Part II of the General Agreement on Tariffs and Trade.

The original of this Declaration shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

In witness whereof the respective representatives, duly authorized, have signed the present Declaration.

¹ TIAS 1700, *ante*, p. 676.

² Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

Done at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

For the Kingdom of Belgium:
M. SUTENS

For the United States of Brazil:
A. DE VILHENA FERREIRA BRAGA

For Burma:
M. MYAT TUN

For Canada:
L. D. WILGESS

For Ceylon:
B. MAHADEVA

For the Republic of Chile:
W. MÜLLER

For the Republic of Cuba:
GUSTAVO GUTIÉRREZ

For the French Republic:
JEAN ROYER

For India:
HARDIT SINGH MALIK

For Lebanon:
GEORGES HAKIM

For the Grand-Duchy of Luxemburg:
J. WOULBROUN

For the Kingdom of the Netherlands:
A. B. SPEEKENBRINK

For New Zealand:
W. NASH

For the Kingdom of Norway:
ARNE SKAUG

For Pakistan:
M. A. H. ISPAHANI

For Syria:
HUSNI A. SAWWAF

For the United Kingdom of Great
Britain and Northern Ireland:
STEPHEN L. HOLMES

For the United States of America:
JOHN W. EVANS

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol opened for signature at Havana March 24, 1948, and signed
for the United States March 24, 1948, modifying certain pro-
visions of the General Agreement of October 30, 1947
Entered into force April 15, 1948*

62 Stat. 1992; Treaties and Other
International Acts Series 1763

PROTOCOL MODIFYING CERTAIN PROVISIONS OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade,¹ and

The Governments of the United States of Brazil, Burma, Ceylon, the Republic of Chile, the Republic of China, the Czechoslovak Republic, India, Lebanon, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, and the Union of South Africa, acting in their capacity of signatories to the Final Act² adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

Being desirous of modifying the text of certain provisions of the General Agreement on Tariffs and Trade, in the light of the text of the Havana Charter for an International Trade Organization,³ which was authenticated by the Final Act of the United Nations Conference on Trade and Employment,

Hereby agree as follows:

¹ TIAS 1700, *ante*, p. 641.

² TIAS 1700, *ante*, p. 639.

³ Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

I. Paragraph 5 of Article XXV of the General Agreement on Tariffs and Trade shall read as follows:

“5. (a) In exceptional circumstances not elsewhere provided for in this Agreement, the CONTRACTING PARTIES may waive an obligation imposed upon a contracting party by this Agreement; *Provided* that any such decision shall be approved by a two-thirds majority of the votes cast and that such majority shall comprise more than half of the contracting parties. The CONTRACTING PARTIES may also by such a vote

- (i) define certain categories of exceptional circumstances to which other voting requirements shall apply for the waiver of obligations, and
- (ii) prescribe such criteria as may be necessary for the application of this sub-paragraph.

(b) If any contracting party has failed without sufficient justification to carry out with another contracting party negotiations of the kind described in paragraph 1 of Article 17 of the Havana Charter, the CONTRACTING PARTIES may, upon complaint and after investigation, authorize the complaining contracting party to withhold from the other the concessions incorporated in the relevant Schedule ⁴ to this Agreement. In any judgment as to whether a contracting party has so failed, the CONTRACTING PARTIES shall have regard to all relevant circumstances, including the developmental, reconstruction and other needs and the general fiscal structures of the contracting parties concerned and to the provisions of the Havana Charter as a whole. If in fact the concessions referred to are withheld, so as to result in the application to the trade of the other contracting party of tariffs higher than would otherwise have been applicable, such other contracting party shall then be free, within sixty days after such action becomes effective, to give written notice of withdrawal from the Agreement. The withdrawal shall take effect upon the expiration of sixty days from the day on which such notice is received by the CONTRACTING PARTIES.

(c) The provisions of sub-paragraph (b) shall not apply as between any two contracting parties the Schedules of which contain concessions initially negotiated between such contracting parties.

(d) The provisions of sub-paragraphs (b) and (c) shall not apply until January 1, 1949.”

II. Paragraph 1 of Article XXXII of the General Agreement on Tariffs and Trade shall read as follows:

“The contracting parties to this Agreement shall be understood to mean those governments which are applying the provisions of this Agreement under Articles XXVI or XXXIII or pursuant to the Protocol of Provisional Application.”

⁴ For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. A91 or TIAS 1700, p. 87.

III. Article XXXIII of the General Agreement on Tariffs and Trade shall read as follows:

“A government not party to this Agreement, or a government acting on behalf of a separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, may accede to this Agreement, on its own behalf or on behalf of that territory, on terms to be agreed between such government and the CONTRACTING PARTIES. Decisions of the CONTRACTING PARTIES under this paragraph shall be taken by a two-thirds majority.”

IV. The following Article shall be inserted in the General Agreement on Tariffs and Trade after Article XXXIV:

“ARTICLE XXXV

1. Without prejudice to the provisions of paragraph 5 (b) of Article XXV or to the obligations of a contracting party pursuant to paragraph 1 of Article XXIX, this Agreement, or alternatively Article II of this Agreement, shall not apply as between any contracting party and any other contracting party if:

(a) the two contracting parties have not entered into tariff negotiations with each other, and

(b) either of the contracting parties, at the time either becomes a contracting party, does not consent to such application.

2. The CONTRACTING PARTIES may, at any time before the Havana Charter enters into force, review the operation of this Article in particular cases at the request of any contracting party and make appropriate recommendations.”

V. Notwithstanding the provisions of Article XXX of the General Agreement on Tariffs and Trade, the modifications provided for in Sections I to IV, inclusive, of this Protocol shall become an integral part of the General Agreement on Tariffs and Trade, on April 15, 1948.

Signature of this Protocol by any government which is not at the time of signature a contracting party to the General Agreement on Tariffs and Trade shall serve to authenticate the texts of the modifications of the General Agreement on Tariffs and Trade provided for in this Protocol. This Protocol shall remain open for signature by any such government, named in the second paragraph of the preamble to this Protocol, until May 1, 1948.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

In witness whereof the respective representatives, duly authorized, have signed the present Protocol.

Done at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

For the Commonwealth of Australia:
H. C. COOMBS

For the Kingdom of Belgium:
M. SÜETENS

For the United States of Brazil:
A. DE VILHENA FERREIRA BRAGA

For Burma:
M. MYAT TUN

For Canada:
L. D. WILGRESS

For Ceylon:
B. MAHADEVA

For the Republic of Chile:
W. MÜLLER

For the Republic of China:

For the Republic of Cuba:
GUSTAVO GUTÉRREZ

For the Czechoslovak Republic:
Z. AUGENTHALER

For the French Republic:
JEAN ROYER

For India:
HARDIT SINGH MALIK

For Lebanon:
GEORGES HAKIM

For the Grand-Duchy of Luxemburg:
J. WOULBROUN

For the Kingdom of the Netherlands:
A. B. SPEEKENBRINK

For New Zealand:
W. NASH

For the Kingdom of Norway:
ARNE SKAUG

For Pakistan:
M. A. H. ISPAHANI

For Southern Rhodesia:

For Syria:
HUSNI A. SAWWAF

For the Union of South Africa:

For the United Kingdom of Great
Britain and Northern Ireland:
STEPHEN L. HOLMES

For the United States of America:
JOHN W. EVANS

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Special protocol opened for signature at Havana March 24, 1948, and
signed for the United States March 24, 1948, modifying article
XIV of the General Agreement of October 30, 1947*

Entered into force April 19, 1948; effective January 1, 1949

62 Stat. 2000; Treaties and Other
International Acts Series 1764

SPECIAL PROTOCOL MODIFYING ARTICLE XIV OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade,¹

The Governments of the United States of Brazil, Burma, Ceylon, the Republic of Chile, the Republic of China, the Czechoslovak Republic, India, Lebanon, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, and the Union of South Africa, acting in their capacity of signatories to the Final Act² adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

Being desirous of modifying the text of Article XIV of the General Agreement on Tariffs and Trade, in the light of the text of the Havana Charter for an International Trade Organization³ which was authenticated by the Final Act of the United Nations Conference on Trade and Employment,

Hereby agree as follows:

¹ TIAS 1700, *ante*, p. 641.

² TIAS 1700, *ante*, p. 639.

³ Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

I. On and after January 1, 1949, Article XIV of the General Agreement on Tariffs and Trade shall read as follows:

“ARTICLE XIV

Exceptions to the Rule of Non-discrimination

“1. (a) The contracting parties recognize that the aftermath of the war has brought difficult problems of economic adjustment which do not permit the immediate full achievement of non-discriminatory administration of quantitative restrictions and therefore require the exceptional transitional period arrangements set forth in this paragraph.

(b) A contracting party which applies restrictions under Article XII may, in the use of such restrictions, deviate from the provisions of Article XIII in a manner having equivalent effect to restrictions on payments and transfers for current international transactions which that contracting party may at that time apply under Article XIV of the Articles of Agreement of the International Monetary Fund,⁴ or under an analogous provision of a special exchange agreement entered into pursuant to paragraph 6 of Article XV.

(c) A contracting party which is applying restrictions under Article XII and which on March 1, 1948 was applying import restrictions to safeguard its balance of payments in a manner which deviated from the rules of non-discrimination set forth in Article XIII may, to the extent that such deviation would not have been authorized on that date by sub-paragraph (b), continue so to deviate, and may adapt such deviation to changing circumstances.

(d) Any contracting party which before July 1, 1948 has signed the Protocol of Provisional Application⁵ agreed upon at Geneva on October 30, 1947 and which by such signature has provisionally accepted the principles of paragraph 1 of Article 23 of the Draft Charter submitted to the United Nations Conference on Trade and Employment by the Preparatory Committee, may elect, by written notice to the CONTRACTING PARTIES before January 1, 1949, to be governed by the provisions of Annex J of this Agreement, which embodies such principles, in lieu of the provisions of sub-paragraphs (b) and (c) of this paragraph. The provisions of sub-paragraphs (b) and (c) shall not be applicable to contracting parties which have so elected to be governed by the provisions of Annex J; and conversely, the provisions of Annex J shall not be applicable to contracting parties which have not so elected.

(e) The policies applied in the use of import restrictions under sub-paragraphs (b) and (c) or under Annex J in the postwar transitional period

⁴ TIAS 1501, *ante*, vol. 3, p. 1351.

⁵ TIAS 1700, *ante*, p. 687.

shall be designed to promote the maximum development of multilateral trade possible during that period and to expedite the attainment of a balance-of-payments position which will no longer require resort to the provisions of Article XII or to transitional exchange arrangements.

(f) A contracting party may deviate from the provisions of Article XIII, pursuant to sub-paragraphs (b) or (c) of this paragraph or pursuant to Annex J, only so long as it is availing itself of the post-war transitional period arrangements under Article XIV of the Articles of Agreement of the International Monetary Fund, or of an analogous provision of a special exchange agreement entered into under paragraph 6 of Article XV.

(g) Not later than March 1, 1950 (three years after the date on which the International Monetary Fund began operations) and in each year thereafter, the CONTRACTING PARTIES shall report on any action still being taken by contracting parties under sub-paragraphs (b) and (c) of this paragraph or under Annex J. In March 1952, and in each year thereafter, any contracting party still entitled to take action under the provisions of sub-paragraph (c) or of Annex J shall consult the CONTRACTING PARTIES as to any deviations from Article XIII still in force pursuant to such provisions and as to its continued resort to such provisions. After March 1, 1952 any action under Annex J going beyond the maintenance in force of deviations on which such consultation has taken place and which the CONTRACTING PARTIES have not found unjustifiable, or their adaptation to changing circumstances, shall be subject to any limitations of a general character which the CONTRACTING PARTIES may prescribe in the light of the contracting party's circumstances.

(h) The CONTRACTING PARTIES may, if they deem such action necessary in exceptional circumstances, make representations to any contracting party entitled to take action under the provisions of sub-paragraph (c) that conditions are favourable for the termination of any particular deviation from the provisions of Article XIII, or for the general abandonment of deviations, under the provisions of that sub-paragraph. After March 1, 1952, the CONTRACTING PARTIES may make such representations, in exceptional circumstances, to any contracting party entitled to take action under Annex J. The contracting party shall be given a suitable time to reply to such representations. If the CONTRACTING PARTIES find that the contracting party persists in unjustifiable deviation from the provisions of Article XIII, the contracting party shall, within sixty days, limit or terminate such deviations as the CONTRACTING PARTIES may specify.

"2. Whether or not its transitional period arrangements have terminated pursuant to paragraph 1 (f), a contracting party which is applying import restrictions under Article XII may, with the consent of the CONTRACTING PARTIES, temporarily deviate from the provisions of Article XIII in respect of a small part of its external trade where the benefits to the contracting

party or contracting parties concerned substantially outweigh any injury which may result to the trade of other contracting parties.

“3. The provisions of Article XIII shall not preclude restrictions in accordance with the provisions of Article XII which either

(a) are applied against imports from other countries, but not as among themselves, by a group of territories having a common quota in the International Monetary Fund, on condition that such restrictions are in all other respects consistent with the provisions of Article XIII, or

(b) assist, in the period until December 31, 1951, by measures not involving substantial departure from the provisions of Article XIII, another country whose economy has been disrupted by war.

“4. A contracting party applying import restrictions under Article XII shall not be precluded by Articles XI to XV, inclusive, of this Agreement from applying measures to direct its exports in such a manner as to increase its earnings of currencies which it can use without deviation from the provisions of Article XIII.

“5. A contracting party shall not be precluded by Articles XI to XV, inclusive, of this Agreement from applying quantitative restrictions

(a) having equivalent effect to exchange restrictions authorized under Section 3 (b) of Article VII of the Articles of Agreement of the International Monetary Fund; or

(b) under the preferential arrangements provided for in Annex A of this Agreement, pending the outcome of the negotiations referred to therein.”

II. On and after January 1, 1949, the Interpretative Notes to Article XIV in Annex I of the General Agreement on Tariffs and Trade shall read as follows:

“AD ARTICLE XIV

“*Paragraph 1(g)*

The provisions of paragraph 1(g) shall not authorize the CONTRACTING PARTIES to require that the procedure of consultation be followed for individual transactions unless the transaction is of so large a scope as to constitute an act of general policy. In that event, the CONTRACTING PARTIES shall, if the contracting party so requests, consider the transaction, not individually, but in relation to the contracting party's policy regarding imports of the product in question taken as a whole.

“*Paragraph 2*

One of the situations contemplated in paragraph 2 is that of a contracting party holding balances acquired as a result of current transactions which it finds itself unable to use without a measure of discrimination.”

III. On and after January 1, 1949, the following Annex shall be added to the General Agreement on Tariffs and Trade:

“ANNEX J

Exceptions to the Rule of Non-discrimination

(Applicable to contracting parties who so elect, in accordance with paragraph 1(d) of Article XIV, in lieu of paragraphs 1(b) and 1(c) of Article XIV.)

“1. (a) A contracting party applying import restrictions under Article XII may relax such restrictions in a manner which departs from the provisions of Article XIII to the extent necessary to obtain additional imports above the maximum total of imports which it could afford in the light of the requirements of paragraphs 3(a) and 3(b) of Article XII if its restrictions were fully consistent with the provisions of Article XIII; *Provided* that

(i) levels of delivered prices for products so imported are not established substantially higher than those ruling for comparable goods regularly available from other contracting parties, and that any excess of such price levels for products so imported is progressively reduced over a reasonable period;

(ii) the contracting party taking such action does not do so as part of any arrangement by which the gold or convertible currency which the contracting party currently receives directly or indirectly from its exports to other contracting parties not party to the arrangement is appreciably reduced below the level it could otherwise have been reasonably expected to attain;

(iii) such action does not cause unnecessary damage to the commercial or economic interests of any other contracting party;

(b) Any contracting party taking action under this paragraph shall observe the principles of sub-paragraph (a). A contracting party shall desist from transactions which prove to be inconsistent with that sub-paragraph but the contracting party shall not be required to satisfy itself, when it is not practicable to do so, that the requirements of that sub-paragraph are fulfilled in respect of individual transactions.

“2. Any contracting party taking action under paragraph 1 of this Annex shall keep the CONTRACTING PARTIES regularly informed regarding such action and shall provide such available relevant information as the CONTRACTING PARTIES may request.

“3. If at any time the CONTRACTING PARTIES find that import restrictions are being applied by a contracting party in a discriminatory manner inconsistent with the exceptions provided for under paragraph 1 of this Annex, the contracting party shall, within sixty days, remove the discrimination or

modify it as specified by the CONTRACTING PARTIES; *Provided* that any action under paragraph 1 of this Annex, to the extent that it has been approved by the CONTRACTING PARTIES at the request of a contracting party under a procedure analogous to that of paragraph 4(c) of Article XII, shall not be open to challenge under this paragraph or under paragraph 4(d) of Article XII on the ground that it is inconsistent with the provisions of Article XIII.

“Interpretative Note to Annex J

“It is understood that the fact that a contracting party is operating under the provisions of Part II (a) of Article XX does not preclude that contracting party from operation under this Annex, but that the provisions of Article XIV (including this Annex) do not in any way limit the rights of contracting parties under Part II (a) of Article XX.”

IV. This Protocol shall remain open for signature at the Headquarters of the United Nations until June 1, 1948 on behalf of any government named in the preamble of this Protocol which has not signed it on this day.

V. Notwithstanding the provisions of Article XXX of the General Agreement on Tariffs and Trade, this Protocol shall enter into force on the day on which it has been signed by all the governments which are at that time contracting parties of the General Agreement on Tariffs and Trade.

Signature of this Protocol by any government which is not at the time of signature a contracting party to the General Agreement on Tariffs and Trade shall serve to authenticate the texts of the modifications of the General Agreement on Tariffs and Trade provided for in this Protocol.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

In witness whereof the respective representatives, duly authorized, have signed the present Protocol.

Done at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

For the Commonwealth of Australia:
H. C. COOMBS

For the Republic of Chile:
W. MÜLLER

For the Kingdom of Belgium:
M. SÜETENS

For the Republic of China:

For the United States of Brazil:
A. DE VILHENA FERREIRA BRAGA

For the Republic of Cuba:
GUSTAVO GUTÉRREZ

For Burma:
M. MYAT TUN

For the Czechoslovak Republic:
Z. AUGENTHALER

For Canada:
L. D. WILGRESS

For the French Republic:
JEAN ROYER

For Ceylon:
B. MAHADEVA

For India:
HARDIT SINGH MALIK

For Lebanon:
GEORGES HAKIM

For the Grand-Duchy of Luxemburg:
J. WOULBROUN

For the Kingdom of the Netherlands:
A. B. SPEEKENBRINK

For New Zealand:
W. NASH

For the Kingdom of Norway:
ARNE SKAUG

For Pakistan:
M. A. H. ISPAHANI

For Southern Rhodesia:

For Syria:
HUSNI A. SAWWAF

For the Union of South Africa:

For the United Kingdom of Great Britain and Northern Ireland:

For the United States of America:
JOHN W. EVANS

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Special protocol signed at Havana March 24, 1948, relating to article
XXIV of the General Agreement of October 30, 1947*

*Acceptance by the United States deposited with the United Nations
May 27, 1948*

Entered into force June 7, 1948

62 Stat. 2013; Treaties and Other
International Acts Series 1765

SPECIAL PROTOCOL RELATING TO ARTICLE XXIV OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are provisionally applying the General Agreement on Tariffs and Trade¹ pursuant to the Protocol of Provisional Application,²

HAVING APPROVED the amendment to Article XXIV of the General Agreement on Tariffs and Trade which was drawn up at the First Session of the CONTRACTING PARTIES to that Agreement and which reads as follows:

“I. Article XXIV of the General Agreement on Tariffs and Trade shall read as follows:

“ARTICLE XXIV

Territorial Application—Frontier Traffic—Customs Unions and Free-Trade Areas

“1. The provisions of this Agreement shall apply to the metropolitan customs territories of the contracting parties and to any other customs territories in respect of which this Agreement has been accepted under Article XXVI or is being applied under Article XXXIII or pursuant to the Protocol of Provisional Application. Each such customs territory shall, exclusively for the purposes of the territorial application of this Agreement, be treated as

¹ TIAS 1700, *ante*, p. 641.

² TIAS 1700, *ante*, p. 687.

though it were a contracting party; *Provided* that the provisions of this paragraph shall not be construed to create any rights or obligations as between two or more customs territories in respect of which this Agreement has been accepted under Article XXVI or is being applied under Article XXXIII or pursuant to the Protocol of Provisional Application by a single contracting party.

“2. For the purposes of this Agreement a customs territory shall be understood to mean any territory with respect to which separate tariffs or other regulations of commerce are maintained for a substantial part of the trade of such territory with other territories.

“3. The provisions of this Agreement shall not be construed to prevent:

(a) advantages accorded by any contracting party to adjacent countries in order to facilitate frontier traffic;

(b) advantages accorded to the trade with the Free Territory of Trieste by countries contiguous to that territory, provided that such advantages are not in conflict with the Treaties of Peace arising out of the Second World War.

“4. The contracting parties recognize the desirability of increasing freedom of trade by the development, through voluntary agreements, of closer integration between the economies of the countries parties to such agreements. They also recognize that the purpose of a customs union or of a free-trade area should be to facilitate trade between the parties and not to raise barriers to the trade of other contracting parties with such parties.

“5. Accordingly, the provisions of this Agreement shall not prevent, as between the territories of contracting parties, the formation of a customs union or of a free-trade area or the adoption of an interim agreement necessary for the formation of a customs union or of a free-trade area; *Provided* that:

(a) with respect to a customs union, or an interim agreement leading to the formation of a customs union, the duties and other regulations of commerce imposed at the institution of any such union or interim agreement in respect of trade with contracting parties not parties to such union or agreement shall not on the whole be higher or more restrictive than the general incidence of the duties and regulations of commerce applicable in the constituent territories prior to the formation of such union or the adoption of such interim agreement, as the case may be;

(b) with respect to a free-trade area, or an interim agreement leading to the formation of a free-trade area, the duties and other regulations of commerce maintained in each of the constituent territories and applicable at the formation of such free-trade area or the adoption of such interim agreement to the trade of contracting parties not included in such area or not

parties to such agreement shall not be higher or more restrictive than the corresponding duties and other regulations of commerce existing in the same constituent territories prior to the formation of the free-trade area, or interim agreement, as the case may be; and

(c) any interim agreement referred to in sub-paragraphs (a) and (b) shall include a plan and schedule for the formation of such a customs union or of such a free-trade area within a reasonable length of time.

“6. If in fulfilling the requirements of sub-paragraph 5 (a), a contracting party proposes to increase any rate of duty inconsistently with the provisions of Article II, the procedure set forth in Article XXVIII shall apply. In providing for compensatory adjustment, due account shall be taken of the compensation already afforded by the reductions brought about in the corresponding duty of the other constituents of the union.

“7. (a) Any contracting party deciding to enter into a customs union or free-trade area, or an interim agreement leading to the formation of such a union or area, shall promptly notify the CONTRACTING PARTIES and shall make available to them such information regarding the proposed union or area as will enable them to make such reports and recommendations to contracting parties as they may deem appropriate.

(b) If, after having studied the plan and schedule provided for in an interim agreement referred to in paragraph 5 in consultation with the parties to that agreement and taking due account of the information made available in accordance with the provisions of sub-paragraph (a), the CONTRACTING PARTIES find that such agreement is not likely to result in the formation of a customs union or of a free-trade area within the period contemplated by the parties to the agreement or that such period is not a reasonable one, the CONTRACTING PARTIES shall make recommendations to the parties to the agreement. The parties shall not maintain or put into force, as the case may be, such agreement if they are not prepared to modify it in accordance with these recommendations.

(c) Any substantial change in the plan or schedule referred to in paragraph 5 (c) shall be communicated to the CONTRACTING PARTIES, which may request the contracting parties concerned to consult with them if the change seems likely to jeopardize or delay unduly the formation of the customs union or of the free-trade area.

“8. For the purposes of this Agreement:

(a) A customs union shall be understood to mean the substitution of a single customs territory for two or more customs territories, so that

(i) duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated with respect to substantially all the trade between

the constituent territories of the union or at least with respect to substantially all the trade in products originating in such territories, and,

(ii) subject to the provisions of paragraph 9, substantially the same duties and other regulations of commerce are applied by each of the members of the union to the trade of territories not included in the union;

(b) A free-trade area shall be understood to mean a group of two or more customs territories in which the duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated on substantially all the trade between the constituent territories in products originating in such territories.

“9. The preferences referred to in paragraph 2 of Article I shall not be affected by the formation of a customs union or of a free-trade area but may be eliminated or adjusted by means of negotiations with contracting parties affected. This procedure of negotiations with affected contracting parties shall, in particular, apply to the elimination of preferences required to conform with the provisions of paragraph 8 (a) (i) and paragraph 8 (b).

“10. The CONTRACTING PARTIES may by a two-thirds majority approve proposals which do not fully comply with the requirements of paragraphs 5 to 9 inclusive, provided that such proposals lead to the formation of a customs union or a free-trade area in the sense of this Article.

“11. Taking into account the exceptional circumstances arising out of the establishment of India and Pakistan as independent states and recognizing the fact that they have long constituted an economic unit, the contracting parties agree that the provisions of this Agreement shall not prevent the two countries from entering into special arrangements with respect to the trade between them, pending the establishment of their mutual trade relations on a definitive basis.

“12. Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities within its territory.”

“II. The Interpretative Notes to Article XXIV in Annex I of the General Agreement on Tariffs and Trade shall read as follows:

“AD ARTICLE XXIV

“*Paragraph 5*

It is understood that the provisions of Article I would require that, when a product which has been imported into the territory of a member of a customs union or free-trade area at a preferential rate of duty is re-exported to the territory of another member of such union or area, the latter member should collect a duty equal to the difference between the duty already paid and the most-favoured-nation rate.

“Paragraph 11

Measures adopted by India and Pakistan in order to carry out definitive trade arrangements between them, once they have been agreed upon, might depart from particular provisions of this Agreement, but these measures would in general be consistent with the objectives of the Agreement.”

Considering that, in accordance with Article XXX of the General Agreement on Tariffs and Trade, the aforesaid amendment will become effective, in respect of those contracting parties which accept it, upon acceptance by two-thirds of the contracting parties,

Agree to deposit before June 1, 1948 their instruments of acceptance of the aforesaid amendment with the Secretary-General of the United Nations.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

In witness whereof the respective representatives, duly authorized, have signed the present Protocol.

Done at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

For the Kingdom of Belgium:
M. SUTENS

For the Grand-Duchy of Luxemburg:
J. WOULBROUN

For Canada:
L. D. WILGESS

For the Kingdom of the Netherlands:
A. B. SPEEKENBRINK

For the Republic of Cuba:
GUSTAVO GUTÉRREZ

For the United Kingdom of Great
Britain and Northern Ireland:
STEPHEN L. HOLMES

For the French Republic:
JEAN ROYER

For the United States of America:
JOHN W. EVANS

ORGANIZATION OF AMERICAN STATES

Charter signed at Bogotá April 30, 1948

Senate advice and consent to ratification, with a reservation, August 28, 1950

Ratified by the President of the United States, with a reservation, June 15, 1951

Ratification of the United States deposited with the Pan American Union June 19, 1951

Entered into force December 13, 1951

Proclaimed by the President of the United States December 27, 1951

Amended by protocol of February 27, 1967¹

[For text, see 2 UST 2394; TIAS 2361.]

¹ 21 UST; TIAS 6847.

PAN AMERICAN RAILWAY CONGRESS

*Charter of the Association of the Pan American Railway Congress approved by the Sixth Congress of the Association at Havana April 1948*¹

*United States participation authorized by joint resolution of Congress approved June 28, 1948*²

Asociacion del Congreso Panamericano de Ferrocarriles, *Charter of the Association of the Pan-American Railway Congress* (Buenos Aires, 1948)

I. CONSTITUTION AND AIMS

Article I. The Association of the Pan-American Railway Congress is a Permanent Association whose aims are to promote to the development and progress of railways in the American Continent.

The Association carries out its aims by means of:

- a) The meeting of its members in Congresses that shall be held periodically.
- b) The publication of works and documents related to the Association's objects, and that of a periodic "Bulletin", which is its official publication.
- c) The maintenance of informative services and the studies of topics of general interest, in accordance with the National Commissions.

Art. 2. The Association is formed by the Government of Nations, railway companies, whether Official, Mixed or of Private capitals, as well as public autarchic institutions and real or juridical persons adhered, that accept these Statutes and contribute to the support of the institution, according to statutory provisions. The members are divided into:

- a) Born members: national governments, railways operated by the national or provincial state, railway companies of mixed and those of private capital.
- b) Permanent members: any persons, merchants, manufacturers and autarchic institutions.
- c) Transient members: those who only adhere the Congresses by paying a fee fixed in Article 25.

¹ The Sixth Congress met at Havana from Mar. 28 to Apr. 7, 1948.

² 62 Stat. 1060.

d) Life members: those who pay the amount fixed in Article 25.

The Association's members belonging to categories a), b) and d) are entitled to attend the Congresses separately or as delegates and receive its official publications free.

Those of category c), besides their right to attend the respective Congresses and participate in their deliberations, shall receive the official publications.

Only the born members shall be able to speak and vote in the deliberations.

The members of the Permanent Commission and the Reporters shall be able to speak but not to vote in the Congresses.

II. PERMANENT COMMISSION

Art. 3. The Association of the Pan-American Railway Congress shall be ruled by a Permanent Commission whose seat will be in the city of Buenos Aires, and shall be composed of the resident members elected by Congress and one for each adhered nation, appointed by the respective National Commission. Likewise the members of the National Commissions residing in the city of Buenos Aires temporarily will be considered members of the Permanent Commission. To become a member of the Permanent Commission it is necessary to be related to railway activities, except for express decision of the Congress.

Art. 4. The Permanent Commission has in any time power to fill the vacancies of resident members which might occur, being the National Commissions previously consulted, and requesting the next Congress to ratify nominations.

Art. 5. The Permanent Commission has for its rights and duties:

a) To decide on the acceptance of members of categories b), c) and d), Art. 2. The Government's incorporation shall be recorded in its turn.

b) To intervene in the organization of Congresses together with the National Commissions and Organizing Committees; wherefore, the Permanent Commission shall take the necessary steps through the preparation of the schedules of work and other means, in accordance with circumstances, including the studies on topics submitted to Congress conveying particular interest, besides the suggestions made by the National Commissions.

c) To collaborate in the preparation and the publication of the Minutes and other documents of the Congress.

d) To make out annual budgets of the Association and to control the investments of its funds.

e) To organize the permanent services to be created with a view to investigation and study.

f) To sponsor the works, studies and publications which may agree with the aims of the Association.

g) An outline of the works carried out by the Permanent Commission from the previous meeting together with the report on the financial position of the institution, shall be submitted in each Congress.

h) To interpret these Statutes in doubtful cases that may arise in their application and to solve provisionally all unforeseen cases, with the obligation of reporting them to the next Congress.

i) The Permanent Commission by itself shall be able to appoint its honorary members by the unanimous vote of its members. In case of proposal by the National Commissions or the Organizing Committees a mere majority shall be enough.

Art. 6. The members of the Permanent Commission shall be replaced by halves when each Congress takes place. Retiring members can be re-elected. Those members who are no longer carrying out railroad activities of a public or private character, shall inform the Executive Committee and are not able to belong to the same, except for express decision agreed by the majority of their members.

Art. 7. The Permanent Commission shall hold meetings every two months. When required by the interest of the Association its Executive Committee could call special meeting. The Permanent Commission shall be in session by a first quorum of half plus one of its members.

Quorum failing at the first summons, the deliberations shall take place one hour later whatever be the number of present members.

The members of the Permanent Commission who are absent in three successive or five alternate meetings without a justified cause will cease "ipso facto" in holding their office.

Art. 8. The resolutions of the Permanent Commission shall be taken by a mere majority of votes of the present members, and the President having to decide in case of draw. Said resolutions shall be recorded in Minute, which shall be sent to the National Commissions for their information.

III. EXECUTIVE COMMITTEE

Art. 9. At the first meeting held after its replacement the Permanent Commission shall nominate a President, two Vice-Presidents, a General Secretary and a Treasurer from among its own members, who shall form the Executive Committee. Besides, a paid Administrative Chief and an Accountant could be appointed.

Art. 10. The Executive Committee shall hold meetings any time under the President's decision in order to deal with urgent matters and said decisions should be ratified by the Permanent Commission at its first meeting.

The Permanent Commission as well as its Executive Committee shall adapt their action to the by-laws.

Art. 11. The Executive Committee has for its rights and duties:

- a) To execute the commands of the Congresses and those of the Permanent Commission.
- b) The resolution of the Association's affairs.
- c) The management of funds.
- d) The planning of works and publications to be carried out by its decision.
- e) The organization, direction and supervision of the permanent services of the Bulletin, Library, Archives and other branches of social activities.
- f) The printing in whole or in part of the reports and documents devoted to the Congresses that may be considered fit to be published in advance in order to facilitate their study.
- g) The appointment and removal of its personnel and the settlement of the salaries thereof.

IV. NATIONAL COMMISSIONS

Art. 12. In each adhered country a National Commission formed by a maximum of ten members elected at the end of each Congress, shall act. The former Presidents of the different Congresses shall actually be made born life members of the National Commission of their residence. Likewise, the Presidents of Delegation who attend the Congress, shall be made born members for the following period. In case of vacancies the National Commissions shall appoint their substitute members.

Art. 13. The National Commissions, in their jurisdiction, shall be organized with duties and rights alike to those of the Permanent Commission.

V. ORGANIZING COMMITTEES

Art. 14. The Organizing Committees of the Congresses shall be appointed by the respective national governments, being born members thereof those of the National Commissions. Likewise, the members of the permanent Commission present at the place where the deliberations of the Organizing Committees are held may intervene in their work as well.

The Organizing Committees shall appoint the Reporters of each Section and propose to the Congress one President and one Secretary for each one of them.

VI. CONGRESS MEETINGS

Art. 15. The Congresses shall be held every three years, at least. Each Congress shall appoint the place and date of the next one with the agreement of the Government of the country where it is to meet. In case of unforeseen events the Permanent Commission shall be able to modify the place and date of the next meeting, previously consulting the adhering governments.

Art. 16. The adhering governments and railways are entitled to send as many delegates as they think proper. Likewise, the public autarchic institutions shall be able to send delegates.

Art. 17. The delegations of each country shall have as a whole four votes, as follows:

- One for each National Government;
- One for railways operated by the State;
- One for mixed railway companies, and
- One for railway companies of private capital.

In case any of these categories do not exist in any country, the corresponding votes will be allotted in the most convenient way. In such cases said Commission shall grant the number of votes.

Art. 18. At the opening meeting of each Congress the Executive Board shall be elected, being formed by an Executive President, and as many Vice-Presidents as Delegations attending the same. Moreover, a General Secretary and Assistant Secretaries to be needed therein, shall form it.

Honorary Presidents shall be equally appointed by a majority of votes.

The debates and the rights and duties of the President and other members shall be adapted to the rules fixed by the Organizing Committee, or otherwise by the regulations of the House of Representatives of the country where the Congress is held.

Art. 19. The work of the Congress shall be performed through the subdivision in Sections in accordance with the nature and importance of the works submitted, and based on the distribution set up by the Organizing Committee.

The President of each Section shall be able to appoint the subcommittees to be considered necessary.

Art. 20. The Congress debates shall relate, first of all, to the Items of the Plan of Work. The Items that are not included in this Plan shall be dealt together with the similar ones, or separately, according to the decisions of the Organizing Committees.

The works shall be sent by triplicate to the Permanent Commission, one hundred and twenty days before the date fixed for the beginning of the Congress by means of the National Commissions, which shall be able to accept or reject them. The Permanent Commission in turn shall send them to the Organizing Committees.

Art. 21. In the debates, the Spanish, English and Portuguese languages shall be employed without distinction.

Minutes shall be drawn up in Spanish and in the language of the nation where the Congress is held. The objections demanded by their authors shall be recorded in the Minutes. Each delegate shall receive a copy of the Minutes, translated into his own language.

Art. 22. The Sections shall submit to Plenary sessions of the Congress the conclusions of the Items treated by them.

Art. 23. The resolutions of the Congress shall be taken by a mere majority, and in case of doubt, the voting shall be made nominally; in case of draw the President shall decide by his vote.

VII. FINANCIAL RESOURCES OF THE ASSOCIATION

Art. 24. The general expenses of the functioning of the Permanent Commission and its Executive Committee shall be paid by the Association's fund which shall be formed:

- a) By the resources and stock available at present;
- b) By membership dues;
- c) By subsidies and bequests.

Art. 25. The contributions shall be per annum in accordance to the following scale:

Governments: \$ U.S. 0,05 per kilometer of railway track operating in the country, with a minimum of \$ U.S. 100,00 and a maximum of \$ U.S. 5.000,00. These payments shall be fixed every two years according to the number of kilometers operated.

Railways: For all railways, whatever be their ownership or operating system, the annual fee shall be of \$ U.S. 0,05, per kilometer, with a minimum of \$ U.S. 25,00 and a maximum of \$ U.S. 2.000,00.

For Permanent members an annual fee of \$ U.S. 5,00, and for manufacturers, merchants and autarchic institutions \$ U.S. 10,00.

For Transient members a fixed membership fee of \$ U.S. 5,00.
For life members an only membership fee of \$ U.S. 50,00.

The membership dues shall come into force as from January 1, 1949.

Art. 26. The financial year of the Association corresponds to the calendar year.

Art. 27. The Congress shall appoint a Commission in charge of auditing accounts and informing on them.

Art. 28. Any suggestion with a view to modify this Charter shall be submitted to the Congress by the Permanent Commission or by proposal of one or more National Commissions.

Provisional Article. The Permanent Commission shall take the necessary steps before the respective governments upon the nomination of one or several representatives of the Institution in those countries not yet adhered, who shall perform railway activities.

LIQUIDATION OF GERMAN PROPERTY IN SPAIN

*Accord, executive protocol, financial protocol, and exchanges of letters
and notes signed at Madrid May 10, 1948*

Entered into force May 10, 1948

*Terminated July 2, 1959, upon entry into force of protocol of August 9,
1958*¹

62 Stat. 2061; Treaties and Other
International Acts Series 1773

ACCORD REGARDING THE ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BALANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN AND GERMANY

Whereas, in due course the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland approached the Spanish Government, making known their wish that the latter adhere to Resolution VI of Bretton Woods,² to the end of eliminating in Spanish territory the economic potential capable of constituting a danger to peace;

Whereas, the mutual desire of carrying out this common objective has been expressed in various Notes exchanged between the Spanish and the Allied Governments, especially those of October 28, 1946,³ by which it was acknowledged that, as a consequence of the Act of Surrender of Germany of May 7, 1945,⁴ and the Declaration of Berlin of the Allied Control Council dated June 5, 1945,⁵ the powers and authority of the Government of the German Reich had been assumed by a Representation of the Allied Governments, represented in Spain, for the purposes of this Accord, by the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland; and

¹ 11 UST 2274; TIAS 4606.

² *Proceedings and Documents of United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire, July 1-22, 1944*, Department of State publication 2866 (U.S. Government Printing Office, 1948), vol. I, p. 939.

³ Not printed.

⁴ EAS 502, *ante*, vol. 3, p. 1123.

⁵ TIAS 1520, *ante*, vol. 3, p. 1140.

Whereas, it is deemed convenient that the balances arising through trade and payments between the Governments of Spain and Germany, as well as certain claims pending between both States, be liquidated;

Now, therefore, the undersigned, duly appointed for the purpose of these negotiations, have entered into the following Accord, which will come into force through an exchange of Notes for that purpose.

ARTICLE I

Property situated in Spain, her Protectorates or Possessions (hereinafter referred to as "Spain"), belonging to persons of German nationality falling within the conditions defined in this Accord, shall be expropriated for reasons of national security under the conditions stipulated in legal dispositions which the Government of Spain may issue for that purpose.

ARTICLE II

For the purposes of this Accord, the term "property" refers to property or assets of every description as well as to the rights and interests which may exist therein, provided they were situated in Spain on May 5, 1945, as likewise to sums falling due between the last mentioned date and April 30, 1948, whether registered in the name of their true owners or in the names of interposed persons for the beneficial interest of such owners, and to those properties or assets referred to in the Decree Law of the Spanish Government of May 5, 1945, and not by subsequent disposition exempted therefrom.

ARTICLE III

The provisions of this Accord apply to all persons, natural and juridical, of German nationality not resident or domiciled in Spain—neither they nor their heirs at law (*derechohabientes*)—on May 5, 1945, as likewise to all those juridical persons domiciled in Spain, of whatever nationality, for that part of their capital which may belong to natural or juridical persons of German nationality not resident or domiciled in Spain as defined above. Natural persons of German nationality who are the object of an expulsion order by Spanish governmental authority, are considered as nonresident in Spain for the purposes of this article, even though for whatever reason said expulsion order may not have been executed.

ARTICLE IV

The Spanish Administration and the Representatives in Spain of the Allied Control Council for Germany (hereinafter referred to as the "Representatives") shall reciprocally maintain effective collaboration as regards the speedy and complete execution of this Accord. They will also exchange whatever information they may possess related to the identification of the foreign assets in Spain eventually to be expropriated.

ARTICLE V

The Representatives, in their capacity as representatives of the Government of Germany, will assume the protection of the interests of the owners of the expropriable properties in the conditions stipulated in this Accord and in the legal dispositions which the Government of Spain may issue for that purpose.

ARTICLE VI

In cases where the identification of assets liable to expropriation or the valuation thereof gives rise to differences of opinion which prevent agreement between the Spanish Administration and the Representatives, the question shall be submitted for the final and impartial judgment of a disinterested person chosen by both parties. Such person shall determine his own procedure, and his decision shall be binding upon the interested parties.

ARTICLE VII

Once the expropriation has been accomplished, the expropriated property will be allotted in a manner consistent with the requirements of the Spanish economy.

Persons who apply for the allocation to them of such property must establish to the satisfaction of the Spanish Administration that they are not acting in representation of, nor under a mandate for, nor in relation with persons whose property has been expropriated or other persons affected by this Accord, in any manner whereby indirectly an economic potential capable of endangering peace might be reconstituted. Measures shall be adopted to insure that any infraction of this condition shall entail the nullification of the act of allocation and the forfeiture of all sums paid therefor. The Representatives may obtain and furnish pertinent information for the purposes mentioned.

ARTICLE VIII

Sums corresponding to the fair appraisal values (*justiprecios*) shall be inscribed in a special account opened in the Spanish Foreign Exchange Institute, mentioning separately the amounts corresponding to each valuation in order to facilitate payment to the respective owners in Germany. The Spanish Foreign Exchange Institute shall communicate to the Representatives the deposits entered in said special account as they are made. The Government of Germany will adopt the necessary measures for payment to the respective owners in Germany of the equivalent, and the Spanish Government shall be discharged from all obligation of payment once the communication referred to above has been made and the terms of Article IX of this Accord have been carried out.

ARTICLE IX

Once acknowledgement of the communication of the Spanish Foreign Exchange Institute referred to in Article VIII has been received, the sums in pesetas realized from the expropriation shall be credited in an account to be opened in the Spanish Foreign Exchange Institute in the name of the Representatives. Drawings on this account and the use of the funds credited to it shall be subject to the provisions of this Accord and its supplements.

ARTICLE X

The provisions of Article VIII and IX of this Accord shall apply to the sums in pesetas deposited or due to be deposited in the Spanish Foreign Exchange Institute in fulfillment of the provisions of Article 2 of the Spanish Ministerial Order of May 14, 1945.

ARTICLE XI

As settlement of the balances between Spain and Germany, the sums set forth below shall be deducted from the account opened in the Spanish Foreign Exchange Institute in the name of the Representatives and shall be paid to the Spanish Government: 20 percent of the first 100 million pesetas realized from the sale of expropriated property; 22½ percent of the yield realized between 100 and 200 millions; 25 percent of that between 200 and 300; 27½ percent of that between 300 and 400, and 30 percent of any amount exceeding 400 million pesetas. The Spanish Government shall have free disposition of the amounts so deducted, and the remainder shall be distributed among the beneficiary Powers in the proportions determined by common agreement between the Powers signatory to this Accord. It is understood that the amounts so distributed shall not in any manner be transferred abroad or used for investment in Spain without the special agreement of the Spanish Government.

ARTICLE XII

The Allied Powers signatory to this Accord, in the name of the Government of Germany, hereby cede to the Spanish Government all rights, titles and interests possessed or exercisable by or in the name of the German Government or its agencies over the properties in Spain belonging to the institutions referred to in the Notes addressed on this date to the Spanish Government, as provided in Article One of the Decree Law of April 23, 1948.

The Spanish Government undertakes that said properties shall in no way revert to their previous owners nor be employed for their former purposes.

The Spanish Government hereby declares that the sums arising from the liquidation of the properties, rights, titles and interests hereby ceded to it are

destined as cover for the expenses which it shall have incurred in the execution of the legal dispositions referred to in this Accord or related thereto.

It is mutually agreed that as from the date of this Accord, the Spanish Government takes the place of the Government of Germany in all rights and liabilities related to the properties referred to in the present article.

ARTICLE XIII

The fulfillment of this Accord is accepted by both Parties as the total liquidation of all classes of claims and trade or payments balances between Spain and Germany respectively.

The foregoing provision does not affect either the right of any natural or juridical person of Spanish nationality to property in Germany or to indemnities or sums to which he may be entitled under German law, or claims or rights of the Spanish State in relation to its official property in Germany.

On the other hand, future trade and payments balances between Spain and Germany shall be adjusted to such agreements or dispositions as may become applicable.

ARTICLE XIV

As of the date of this Accord, the special measures adopted by the Spanish Government for the blocking of the property of certain foreigners shall cease to be applied insofar as they do not refer to the assets which are the object of this Accord, and in accordance with the dispositions which may be issued for that purpose by the Spanish Administration.

ARTICLE XV

In the name of the Government of Germany and in exercise of the authority and rights conferred by the Act of Surrender of Germany of May 7, 1945, and by the Declaration of Berlin of June 5, 1945, the Allied Powers signatory to this Accord confirm the waiver of the claims referred to in Article XIII and guarantee the Government of Spain against any eventual or subsequent claim in relation to the settlement made as provided in Article VIII. They likewise undertake that Germany or whatever German Government succeeds the Allied Control Council for Germany in the government of Germany shall confirm the provisions of this Accord.

ARTICLE XVI

The Allied Powers signatory to this Accord acknowledge that it expresses satisfactorily the solidarity of the Government of Spain with the principles referred to in Paragraph One of the Preamble.

Done in Madrid on the 10th day of May 1948 in three texts, in Spanish, French and English, and in four originals of each, all equally authentic, one

original of each text remaining in the possession of each one of the four signatory governments.

E. DE NAVASQUÉS
President of Delegation of Spain
[SEAL]

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXECUTIVE PROTOCOL SUPPLEMENTARY TO THE ACCORD REGARDING THE
ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE
OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BAL-
ANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN
AND GERMANY

For the purposes foreseen in the Accord signed on this date (hereinafter called the "Accord"), the Contracting Parties agree to the following Protocol which shall be considered an integral part thereof.

ARTICLE I

The application of the legislative measures which may be promulgated by the Spanish Government for the purposes set out in Article I of the Accord is the exclusive concern of the Spanish Administration. It is agreed, on the other hand, that the Representatives in Spain of the Allied Control Council for Germany (hereinafter called the "Representatives") may intervene as provided in Articles IV, V and VII of the Accord, and that they shall permanently maintain relations with the competent bodies of the Spanish Administration for the purpose of exchanging information relative to the execution of those Articles, and proofs leading to the identification of the true owner of the assets defined as expropriable for reasons of national security, particularly where grounds exist to presume that persons have been interposed in title or that any deception has occurred contrary to the Accord or to the legislation in force in Spain. Both Parties shall communicate to each other the names of the persons designated for this purpose.

ARTICLE II

The fair appraisal value (*justiprecio*) shall be in accordance with a true valuation of the assets to be expropriated, as of the date of such estimate.

The interested Parties shall employ all means necessary to ascertain the true situation and the true value of the assets liable to expropriation and,

for this purpose, the respective Interventors shall give them access to all archives, accounting records and other pertinent documents.

The interested Parties shall likewise exchange between themselves all information conducive to the determination of the true valuation of the assets to be expropriated. Once the fair appraisal value of the assets to be expropriated has been established and accepted by both parties, as provided in the Accord, the procedure laid down in Article VIII of the Accord shall be followed. Once this condition has been fulfilled, the Spanish Administration shall proceed freely to determine to whom the assets shall be allotted, without prejudice to the provisions of Article VII of the Accord, and of this Protocol, and also to settle the method or procedure to be followed in regard to the allotment.

ARTICLE III

It is understood that the official intervention to which the assets which are subject to expropriation for reasons of national security have been submitted, has for its object the conservation of such assets, and their true and better identification and evaluation, pending their allotment.

As witness our hands this 10th day of May, 1948, in Madrid.

E. DE NAVASQUÉS
President of Delegation of Spain

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. McCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

FINANCIAL PROTOCOL SUPPLEMENTARY TO THE ACCORD REGARDING THE ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BALANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN AND GERMANY

For the purposes foreseen in the Accord signed on this date (hereinafter referred to as the "Accord") the Contracting Parties agree to the following Protocol which shall be considered an integral part thereof.

ARTICLE I

In the execution of Articles IX and XI of the Accord, the balances in the account opened in the Spanish Foreign Exchange Institute in the name of the Representatives in Spain of the Allied Control Council for Germany (herein-

after called the "Representatives"), after deduction of the sums payable to the Spanish Government, shall, in principle, be distributed proportionately in the following percentages:

Albania	0.05	Greece	2.70
U.S.A.	28.00	India and Pakistan	2.00
Australia	0.70	Luxembourg	0.15
Belgium	2.70	Norway	1.30
Canada	3.50	New Zealand	0.40
Denmark	0.25	Netherlands	3.90
Egypt	0.05	Czechoslovakia	3.00
France	16.00	Union of South Africa	0.70
United Kingdom	28.00	Yugoslavia	6.60

Subject to notification by them to the Spanish Administration, the Representatives may modify the allocations set forth by the above schedule of percentages, provided always that the sum total of the increases made does not exceed 25% of the total to be distributed.

It is understood that the percentages greater than 15% of the total may not be increased by more than 25% of their respective quotas, and that those of less than 15% of the total may not be increased by more than 50% of their quotas.

ARTICLE II

Deposits in individual accounts in the names of the beneficiary Powers, referred to in the previous Article, shall be made at any time at the request of the Representatives after deduction of the amounts payable to the Spanish Government as specified in Article XI of the Accord for payment of Spanish claims.

For this purpose, separate accounts in the names of each of the Governments concerned, in a Spanish bank of its choice, will be credited with the sums corresponding to their respective percentages, calculated on the balances in the account in the name of the Representatives.

Said accounts may be opened at sight or as time deposits upon prior agreement with the Spanish Foreign Exchange Institute, and the investment or transfer of the normal interest earned thereon shall be subject to the same rules as are established by the Accord and by this Protocol with regard to the principal.

ARTICLE III

The amounts credited in favor of the Governments referred to in Article I of this Protocol may be transferred abroad or used for investment in Spain or ceded to third parties, subject to agreement with the Spanish Government and always within general regulations applicable to trade and foreign exchange transactions between Spain and the country concerned in each case.

In agreement with the Spanish Government such amounts may be freely used for investments such as the acquisition of official buildings, payment of the personnel on official business or other similar purposes.

Such sums may also be utilized by the country concerned for the purchase of foreign exchange for investment in foreign participations in property expropriated for reasons of national security, subject to prior agreement with the Spanish Government, it being fully understood that such transactions shall follow the regulations applicable in each case.

ARTICLE IV

The Spanish Government declares that transfers, cessions or investments charged to the accounts referred to in the present Protocol will be authorized within the limits and possibilities of the Spanish economy. The Representatives accept this principle.

As witness our hands this 10th day of May, 1948, in Madrid.

E. DE NAVASQUÉS
President of Delegation of Spain

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCHANGES OF LETTERS

CERTAIN GERMAN ASSETS IN POSSESSION OF ALLIED CONTROL COUNCIL

*The Chiefs of the Allied Delegations to the President of the
Spanish Delegation*

Letter No. 1

MADRID, *May 10, 1948*

SIR:

In connection with paragraph three of the Notes exchanged this day, placing in effect the Accord signed this date, the undersigned have the honor to record the understanding reached during the course of the negotiations to the effect that the proceeds of the official and quasi-official German assets now in the possession of the Representatives in Spain of the Allied Control Council for Germany, or which subsequently may be realized by them, will be at the disposal of the Representatives upon request to the Spanish Administration for distribution within the limits prescribed in Article One of the Financial Protocol to the Accord, it being understood that their employment will be subject to the same limitations as are set forth in the succeeding Articles of that Protocol.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. McCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
*President of the Spanish Delegation
Madrid*

*The President of the Spanish Delegation to the Chiefs of the Allied
Delegations*

[TRANSLATION]

Letter No. 1

MADRID, *May 10, 1948*

SIRS :

I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

“In connection with paragraph three of the Notes exchanged this day, placing in effect the Accord signed this date, the undersigned have the honor to record the understanding reached during the course of the negotiations to the effect that the proceeds of the official and quasi-official German assets now in the possession of the Representatives in Spain of the Allied Control Council for Germany, or which subsequently may be realized by them, will be at the disposal of the Representatives upon request to the Spanish Administration for distribution within the limits prescribed in Article One of the Financial Protocol to the Accord, it being understood that their employment will be subject to the same limitations as are set forth in the succeeding Articles of that Protocol.”

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

MR. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

MR. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

MR. FRANCIS McCOMBE,
*Chief of Delegation of the United Kingdom of
Great Britain and Northern Ireland.*

RESUMPTION OF COMMUNICATIONS AND TRADE

The Chiefs of the Allied Delegations to the President of the Spanish Delegation

Letter No. 2

MADRID, May 10, 1948

SIR:

In connection with the understanding now reached in the Accord signed today on the liquidation of German assets in Spain, the undersigned are authorized by their respective Governments to state that, so far as concerns the German areas within their control, they are agreeable to the earliest practicable resumption of communications of every kind and of trade between Spain and Germany, and the restoration of Spanish consular representation. They therefore agree that the necessary detailed arrangements be undertaken forthwith through normal channels.

It is, of course, understood that these services and facilities will enjoy the same general treatment and be subject to the same regulations as apply in the cases of other countries.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
*President of the Spanish Delegation
Madrid*

*The President of the Spanish Delegation to the Chiefs of the Allied
Delegations*

[TRANSLATION]

Letter No. 2

MADRID, May 10, 1948

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

“In connection with the Accord signed today on the elimination of the economic potential situated in Spain, capable of constituting a danger to peace, and related subjects, the undersigned are authorized by their respective Governments to state that, so far as concerns the German areas within their control, they are agreeable to the earliest practicable resumption of communications of every kind and of trade between Spain and Germany,

and the restoration of Spanish consular representation. They therefore agree that the necessary detailed arrangements be undertaken forthwith through normal channels.

It is, of course, understood that these services and facilities will enjoy the same general treatment and be subject to the same regulations as apply in the cases of other countries."

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

MR. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

MR. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

MR. FRANCIS MCCOMBE,
*Chief of Delegation of the United Kingdom of
Great Britain and Northern Ireland.*

TRADEMARKS, COPYRIGHTS, OR PATENTS

*The Chiefs of the Allied Delegations to the President of the
Spanish Delegation*

Letter No. 3

MADRID, May 10, 1948

SIR:

In connection with the Accord signed today, it is our understanding that, pending the decision of the Spanish Government regarding participation in any international arrangements to which it may be invited to adhere, on the subjects of trademarks, copyrights or patents, no such industrial or artistic property falling within the provisions of the Accord will be expropriated or transferred during the period of one year from this date, except where special circumstances do not permit the delay of expropriation or transfer for one year, or in cases where that property is expropriated or transferred as part of the assets of an enterprise in which there exists a German participation liable to be expropriated.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
*President of the Spanish Delegation
Madrid*

The President of the Spanish Delegation to the Chiefs of the Allied Delegations

[TRANSLATION]

Letter No. 3

MADRID, *May 10, 1948*

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day the text of which, having been duly translated into Spanish, reads as follows:

“In connection with the Accord signed today, it is our understanding that, pending the decision of the Spanish Government regarding participation in any international arrangements to which it may be invited to adhere, on the subjects of trademarks, copyrights or patents, no industrial or artistic property falling within the provisions of the Accord will be expropriated or transferred during the period of one year from this date, except where special circumstances do not permit the delay of expropriation or transfer for one year, or in cases where that property is expropriated or transferred as part of the assets of an enterprise in which there exists a German participation liable to be expropriated.”

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

Mr. FRANCIS MCCOMBE,
*Chief of Delegation of the United Kingdom of
Great Britain and Northern Ireland.*

CERTAIN EXPROPRIABLE PROPERTY

The Chiefs of the Allied Delegations to the President of the Spanish Delegation

Letter No. 4

MADRID, *May 10, 1948*

SIR:

In the course of the negotiations concluded in the Accord signed today, the signatory Allied Governments drew attention to the work of the juridical experts of their own and associated governments, having as its purpose to provide solutions for cases of expropriable property which appears to have more than one location or to involve conflicts of jurisdiction, which solutions

commonly accepted it is their intention to invite Spain, among other countries, to follow. It is our understanding that the Government of Spain will examine the possibility of adopting such solutions, and that, should cases arise in the course of the process of expropriation pursuant to the Accord in which conflicts of jurisdiction are involved, it will consider following, so far as it deems possible, the solutions recommended by the Allied Governments who are applying such solutions in cases in which they, themselves, are involved.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCGOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
*President of the Spanish Delegation
Madrid*

*The President of the Spanish Delegation to the Chiefs of the Allied
Delegations*

[TRANSLATION]

Letter No. 4

MADRID, May 10, 1948

SIRS:

I have the honor to acknowledge to you the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

“In the course of the negotiations concluded in the Accord signed today, the signatory Allied Governments drew attention to the work of the juridical experts of their own and associated governments, having as its purpose to provide solutions for cases of expropriable property which appears to have more than one location or to involve conflicts of jurisdiction, which solutions, when duly accepted, it is their intention to invite Spain, among other countries, to follow. It is our understanding that the Government of Spain will examine the possibility of adopting such solutions, and that, should cases arise in the course of the process of expropriation pursuant to the Accord in which conflicts of jurisdiction are involved, it will consider following, so far as it deems possible, the solutions recommended by the Allied Governments who are applying such solutions in cases in which they, themselves, are involved.”

I have the honor to inform you that note has been taken of the text transcribed above for the pertinent informative purposes.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

Mr. FRANCIS MCCOMBE,
*Chief of Delegation of the United Kingdom of
Great Britain and Northern Ireland.*

PROPERTY OF VICTIMS OF BRUTALITY

*The Chiefs of the Allied Delegations to the President of the
Spanish Delegation*

Letter No. 5

MADRID, *May 10, 1948*

SIR:

In the course of the negotiations which have terminated in the Accord signed today, the signatory Allied Governments have represented that in parallel with arrangements concluded with other States in the matter, provision should be made, in accordance with their desire, for the treatment of any property found in Spain, the previous owners of which died during the war, victims of acts of brutality, leaving no known heirs. We understand that if such cases in relation to property in Spain are brought to its notice, the Spanish Government will use its best efforts with a view to handling the proceeds of such property to the Allied Governments in aid of the work of rehabilitation and resettlement to which, as we confirm our Governments would devote any such receipts.

We shall be grateful for your confirmation that such cases may be brought to notice accordingly.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO,
*President of the Spanish Delegation
Madrid*

*The President of the Spanish Delegation to the Chiefs of the Allied
Delegations*

[TRANSLATION]

Letter No. 5

MADRID, May 10, 1948

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

"In the course of the negotiations which have terminated in the Accord signed today, the signatory Allied Governments have represented that in parallel with arrangements concluded with other States in the matter, provision should be made, in accordance with their desire, for the treatment of any property found in Spain, the previous owners of which died during the war, victims of acts of brutality, leaving no known heirs. We understand that the Spanish Government will use its best efforts with a view to placing the proceeds of such property at the disposal of the Allied Governments in aid of the work of rehabilitation and resettlement to which we confirm that our Governments will devote any such receipts."

I have the honor to signify to you that note has been taken of the text transcribed above for the pertinent informative purposes.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

MR. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

MR. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

MR. FRANCIS MCCOMBE,
*Chief of Delegation of the United Kingdom of
Great Britain and Northern Ireland.*

INTERESTS OF NON-GERMAN FOREIGN NATIONALS

*The Chiefs of the Allied Delegations to the President of the
Spanish Delegation*

Letter No. 6

MADRID, May 10, 1948

SIR:

In connection with the Accord signed today, it is our understanding that in the expropriation or the allotment of assets subject to expropriation, the interests, whether direct or indirect, of non-German foreign nationals will be protected to the same extent as those of Spanish nationals, on condition of reciprocal treatment in the country of those foreign nationals.

We shall be grateful if you will confirm this understanding.
Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL
*Chief of Delegation of the
United States of America*

F. DE PANAFIEU
*Chief of Delegation of
France*

FRANCIS W. MCCOMBE
*Chief of Delegation of the
United Kingdom of Great
Britain and Northern Ireland*

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO,
*President of the Spanish Delegation
Madrid*

*The President of the Spanish Delegation to the Chiefs of the Allied
Delegations*

[TRANSLATION]

Letter No. 6

MADRID, *May 10, 1948*

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

“In connection with the Accord signed today, it is our understanding that in the expropriation or allotment of assets subject to expropriation, the interests, whether direct or indirect, of non-German foreign nationals will be protected to the same extent as those of Spanish nationals, on condition of reciprocal treatment in the country of those foreign nationals.”

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

MR. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

MR. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

MR. FRANCIS MCCOMBE,
*Chief of Delegation of the United Kingdom of
Great Britain and Northern Ireland.*

EXCHANGES OF NOTES

UNBLOCKING OF SPANISH ASSETS IN UNITED STATES

*The Chief of the American Delegation to the President of the
Spanish Delegation*

MADRID, *May 10, 1948*

SIR:

In confirmation of the understanding reached during the course of the negotiations of the Accord signed this day, I am pleased to state that arrangements will be made in the near future for the unblocking of Spanish assets in the United States.

Accept, Sir, the renewed assurances of my distinguished consideration.

HAROLD M. RANDALL
Chief of Delegation of the United States of America

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO,
*President of the Spanish Delegation,
Madrid.*

*The President of the Spanish Delegation to the Chief of the American
Delegation*

[TRANSLATION]

MADRID, *May 10, 1948*

SIR:

I have the honor to acknowledge the receipt of your letter dated this day, the content of which, having been duly translated into Spanish, reads as follows:

“In confirmation of the understanding reached during the course of the negotiations of the Accord signed this day, I am pleased to state that arrangements will be made in the near future for the unblocking of Spanish assets in the United States.”

I have the honor to inform you that due note has been taken of the text transcribed above.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

E. DE NAVASQUÉS [SEAL]

MR. HAROLD M. RANDALL,
Chief of Delegation of the United States of America.

CERTAIN GERMAN SCHOOLS IN SPAIN

*The American Chargé d'Affaires ad interim to the Spanish Minister
of Foreign Affairs*

MADRID, May 10, 1948

EXCELLENCY:

Under instructions of my Government, I have the honor to refer to Article XII of the Accord signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany, regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany.

Pursuant to those instructions I have the honor to inform Your Excellency, in conjunction with identical Notes today addressed to you by the Chiefs of Missions in Spain of France and of the United Kingdom of Great Britain and Northern Ireland, that as a consequence of Law No. 2 promulgated by the Allied Control Council for Germany on October 10th, 1945, the National Socialist German Labor Party, its formations, affiliated associations and supervised agencies, as well as all other institutions established as instruments of the domination of that Party, were abolished and made illegal.

As a consequence, so far therefore as the three Governments are concerned as such Representatives and with reference to Article XII of the Accord and Article I of the Decree Law of April 23, 1948 of the Spanish Government, my Government confirms that it regards the German schools at Madrid, Bilbao, Cádiz, Cartagena, Las Palmas, Málaga, San Sebastian, Santa Cruz de Tenerife, Sevilla, Valencia and Viga as entities affiliated to or supervised by the said illegal National Socialist German Labor Party.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL T. CULBERTSON
Chargé d'Affaires ad interim

His Excellency
DON ALBERTO MARTÍN ARTAJO,
*Minister for Foreign Affairs,
Madrid*

*The Spanish Minister of Foreign Affairs to the American Chargé
d'Affaires ad interim*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
398

MADRID, *May 10, 1948*

SIR :

I have the honor to acknowledge the receipt of your courteous Note dated this day, in which you were so good as to communicate to me the following, which, having been duly translated into Spanish, reads as follows :

“Under instructions of my Government, I have the honor to refer to article XII of the accord regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany, signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council of Germany.

Pursuant to those instructions I have the honor to inform Your Excellency, in conjunction with identical Notes today addressed to you by the Chiefs of the diplomatic Missions in Spain of France and of the United Kingdom of Great Britain and Northern Ireland, that as a consequence of Law No. 2 promulgated by the Allied Control Council for Germany on October 10th, 1945, the National Socialist German Labor Party, its formations, affiliated associations and supervised agencies, as well as all other institutions established as instruments of the domination of that Party, were abolished and made illegal.

As a consequence, so far as the three Governments are concerned as such Representatives, and with reference to Article XII of the Accord and Article I of the Decree Law of April 23, 1948 of the Spanish Government, my Government confirms that it regards the German schools at Madrid, Bilbao, Cádiz, Cartagena, Las Palmas, Málaga, San Sebastian, Santa Cruz de Tenerife, Sevilla, Valencia and Vigo as entities affiliated to or supervised by the said illegal National Socialist German Labor Party.”

I have the honor to inform you that the Spanish Government has taken careful note of the foregoing for the purposes agreed upon.

I avail myself of the opportunity, Sir, to renew to you the assurances of my distinguished consideration.

A. MARTÍN A.

MR. PAUL T. CULBERTSON
Chargé d'Affaires ad interim
of the United States of America.

ENTRY INTO FORCE OF ACCORD

*The American Chargé d'Affaires ad interim to the Spanish Minister
of Foreign Affairs*

MADRID, May 10, 1948

EXCELLENCY:

Under instructions of my Government, I have the honor to refer to the Accord signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany, regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany.

Pursuant to those instructions, I have the honor to inform Your Excellency that, in fulfillment of the understanding reached during the course of the negotiations terminating in that Accord, my Government, by this exchange of Notes and the identical Notes exchanged today between Your Excellency's Government and the Chiefs of Missions in Spain of the Governments of France and of the United Kingdom of Great Britain and Northern Ireland, considers that Accord mutually confirmed and in full effect as of this date.

Likewise, I take this occasion to confirm to Your Excellency that, in keeping with the Accord reached in these general negotiations, the official assets registered in the name of the German Government, as also those others constituted with German official funds, both actually in possession of the Representatives in Spain of the Allied Control Council for Germany and those which, for the same reasons, may be delivered to them subsequently, are subject to the conditions established by the Notes exchanged between Your Excellency and the Chiefs of the diplomatic missions of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland on October 28th, 1946.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL T. CULBERTSON
Chargé d'Affaires ad interim.

His Excellency

DON ALBERTO MARTÍN ARTAJO,
*Minister for Foreign Affairs
Madrid*

*The Spanish Minister of Foreign Affairs to the American Chargé d'Affaires
ad interim*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

397

MADRID, *May 10, 1948*

SIR:

I have the honor to acknowledge the receipt of your courteous Note dated this day, in which you were so good as to communicate to me the following, which, having been duly translated into Spanish, reads thus:

"Under instructions of my Government, I have the honor to refer to the Accord signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany, regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany.

Pursuant to those instructions, I have the honor to inform Your Excellency that, in fulfillment of the understanding reached during the course of the negotiations terminating in that Accord, my Government, by this exchange of Notes and the identical Notes exchanged today between Your Excellency's Government and the Chiefs of Missions in Spain of the Governments of France and of the United Kingdom of Great Britain and Northern Ireland, considers that Accord mutually confirmed and in full effect as of this date.

Likewise, I take this occasion to confirm to Your Excellency that, in keeping with the Accord reached in these general negotiations, the official assets registered in the name of the German Government, as also those others constituted with German official funds, both actually in possession of the Representatives in Spain of the Allied Control Council for Germany and those which, for the same reasons, may be delivered to them subsequently, are subject to the conditions established by the Notes exchanged between Your Excellency and the Chiefs of the diplomatic missions of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland on October 28, 1946."

I have the honor to inform you of the agreement of the Spanish Government with the foregoing.

I avail myself of the opportunity, Sir, to renew to you the assurances of my distinguished consideration.

A. MARTÍN A.

Mr. PAUL CULBERTSON,
Chargé d'Affaires ad interim
of the United States of America.

INTERNATIONAL EXHIBITIONS

Protocol signed at Paris May 10, 1948, amending convention of November 22, 1928, relating to international exhibitions

Senate advice and consent to accession to convention, as amended, April 30, 1968¹

Accession to convention, as amended by 1948 protocol, signed by the President of the United States May 6, 1968

Accession by the United States deposited at Paris May 24, 1968

Entered into force May 5, 1949; for the United States June 24, 1968

Proclaimed by the President of the United States August 17, 1968

[For text of convention and protocol, see 19 UST 5927; TIAS 6548.]

¹The Senate gave its advice and consent to accession to the convention as amended by both the 1948 protocol and a protocol signed Nov. 16, 1966 (19 UST 5974; TIAS 6549), which further amended art. 4. The 1966 protocol was proclaimed by the President of the United States Oct. 5, 1968.

RESTITUTION OF GOLD LOOTED BY GERMANY
AND TRANSFERRED TO BANK FOR INTER-
NATIONAL SETTLEMENTS

Exchanges of letters at Washington May 13, 1948
Entered into force May 13, 1948

62 Stat. 2672; Treaties and Other
International Acts Series 1805

*The Chairman of the Board of Directors of the Bank for International
Settlements to the American, British, and French Representatives*

BANK FOR INTERNATIONAL SETTLEMENTS

WASHINGTON, D.C.
May 13, 1948

GENTLEMEN:

Representatives of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France, on the one hand, and of the Bank for International Settlements on the other, have conferred in Washington on the subject of gold transferred by Germany to the Bank for International Settlements and have agreed that the Bank for International Settlements shall deliver in London to the three Governments upon demand 3740 kilograms of fine gold.

Respectfully yours,

MAURICE FRÈRE

To the REPRESENTATIVES OF THE GOVERNMENTS
of the United States of America,
the United Kingdom of Great Britain
and Northern Ireland, and France.

The American, British, and French Representatives to the Chairman of the Board of Directors of the Bank for International Settlements

WASHINGTON, D.C.

May 13, 1948

DEAR MR. FRÈRE:

We are in receipt of your letter of this date as follows:

“Representatives of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France, on the one hand, and of the Bank for International Settlements on the other, have conferred in Washington on the subject of gold transferred by Germany to the Bank for International Settlements and have agreed that the Bank for International Settlements shall deliver in London to the three Governments upon demand 3740 kilograms of fine gold.”

The three Governments, acting in their own behalf and in behalf of all of the other governments signatory to the Paris Reparations Agreement of January 24, 1946,¹ and of the banks of issue of the signatory governments, agree that, in accepting delivery of such amount of gold, they waive all claims against the Bank for International Settlements with regard to looted gold transferred to it by Germany.

Respectfully yours,

WILLARD L. THORP

On behalf of the Government of
the United States of America

CHRISTIAN VALENSI

On behalf of the Government of
France

J. E. CHADWICK

On behalf of the Government of
the United Kingdom of Great
Britain and Northern Ireland

To: Mr. MAURICE FRÈRE,
*Chairman of the Board of Directors,
Bank for International Settlements*

The Chairman of the Board of Directors of the Bank for International Settlements to the American, British, and French Representatives

BANK FOR INTERNATIONAL SETTLEMENTS

WASHINGTON, D.C.

May 13, 1948

GENTLEMEN:

During the conferences on gold transferred by Germany to the Bank for International Settlements we advised you that 374.33436 kilograms of gold

¹ TIAS 1655, *ante*, p. 5.

looted by Germany, and subsequently transferred by the German Reichsbank to the Bank for International Settlements, were thereafter transferred to the account of the National Bank of Hungary.

We should appreciate being advised whether such gold was included in the calculations which led to the agreement contained in our letter of this date, that the Bank for International Settlements will deliver in London upon demand 3740 kilograms of fine gold to the Governments of the United States, United Kingdom and France.

Respectfully yours,

MAURICE FRÈRE

To the REPRESENTATIVES OF THE GOVERNMENTS
of the *United States of America*,
the *United Kingdom of Great Britain*
and *Northern Ireland*, and *France*.

*The American, British, and French Representatives to the Chairman of the
Board of Directors of the Bank for International Settlements*

WASHINGTON, D.C.

May 13, 1948

DEAR MR. FRÈRE:

We are in receipt of your letter of this date in the following terms:

“During the conferences on gold transferred by Germany to the Bank for International Settlements we advised you that 374.33436 kilograms of gold looted by Germany, and subsequently transferred by the German Reichsbank to the Bank for International Settlements, were thereafter transferred to the account of the National Bank of Hungary.

“We should appreciate being advised whether such gold was included in the calculations which led to the agreement contained in our letter of this date, that the Bank for International Settlements will deliver in London upon demand 3740 kilograms of fine gold to the Governments of the United States, United Kingdom and France.”

We hereby confirm that all such gold was included in the calculations which led to the agreement referred to in your letter.

Respectfully yours,

WILLARD L. THORP
On behalf of the Government of the
United States of America

CHRISTIAN VALENSI
On behalf of the Government of
France

J. E. GHADWICK
On behalf of the Government of the
United Kingdom of Great Britain
and Northern Ireland

To: Mr. MAURICE FRÈRE
Chairman of the Board of Directors
Bank for International Settlements

SAFETY OF LIFE AT SEA

Convention, with regulations, signed at London June 10, 1948

Senate advice and consent to ratification April 20, 1949

Ratified by the President of the United States December 16, 1949

Ratification of the United States deposited at London January 5, 1950

Proclaimed by the President of the United States September 10, 1952

Entered into force November 19, 1952

*Terminated as to the United States May 26, 1966*¹

[For text, see 3 UST 3450; TIAS 2495.]

SAFETY OF LIFE AT SEA

*Regulations for preventing collisions at sea approved by the International
Conference on Safety of Life at Sea at London June 10, 1948*

Proclaimed by the President of the United States August 15, 1953

Entered into force January 1, 1954

*Replaced by international regulations of 1960,² as between contracting
parties to the later regulations*

[For text, see 4 UST 2956; TIAS 2899.]

¹ Pursuant to notice of denunciation given by the United States May 26, 1965.

² 16 UST 794; TIAS 5813.

INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT

*Convention opened for signature at Geneva June 19, 1948, and signed
for the United States June 19, 1948*

Senate advice and consent to ratification August 17, 1949

Ratified by the President of the United States August 30, 1949

*Ratification of the United States deposited with the International Civil
Aviation Organization September 7, 1949*

Entered into force September 17, 1953

Proclaimed by the President of the United States September 30, 1953

[For text, see 4 UST 1830; TIAS 2847.]

WORLD HEALTH ORGANIZATION REGULATIONS NO. 1

*Regulations regarding nomenclature (including the compilation and
publication of statistics) with respect to diseases and causes of death
(World Health Organization Regulations No. 1) adopted by the
First World Health Assembly at Geneva July 24, 1948; supplement-
ary regulations adopted by the Second World Health Assembly
at Geneva June 30, 1949*

Entered into force January 1, 1950

*Further supplemented by additional regulations adopted at Geneva
May 21, 1956¹*

*Terminated January 1, 1968, except for Denmark, Federal Republic
of Germany, and Iceland*

[For text, see 7 UST 79; TIAS 3482.]

¹ 11 UST 61; TIAS 4409.

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol prolonging agreement of May 6, 1937, signed at London
August 31, 1948*¹

Senate advice and consent to ratification October 18, 1949

Ratified by the President of the United States November 1, 1949

*Ratification of the United States deposited at London November 14,
1949*

*Entered into force September 1, 1948; for the United States November
14, 1949, operative from September 1, 1948*

Proclaimed by the President of the United States December 20, 1949

64 Stat., pt. 3, B33; Treaties and Other
International Acts Series 1997

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 6th May, 1937;²

And whereas by a Protocol signed in London on 22nd July, 1942,³ the Agreement was regarded as having come into force on 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 31st August, 1942;

And whereas by further Protocols signed in London on 31st August, 1944,⁴ and 31st August, 1945,⁵ 30th August, 1946,⁶ and 29th August, 1947,⁷ it was agreed that, subject to the provisions of Article 2 of the said Protocols, the Agreement should continue in force between the Governments signatory

¹ The sugar agreement was further prolonged by a protocol of Aug. 31, 1949 (1 UST 625; TIAS 2114).

² TS 990, *ante*, vol. 3, p. 388.

³ TS 990, *ante*, vol. 3, p. 722.

⁴ TS 990, *ante*, vol. 3, p. 899.

⁵ TIAS 1523, *ante*, vol. 3, p. 1248.

⁶ TIAS 1614, *ante*, p. 142.

⁷ TIAS 1755, *ante*, p. 556.

thereof for periods of one year terminating on 31st August, 1945, 31st August, 1946, 31st August, 1947, and 31st August, 1948, respectively;

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 situation, 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 31st August, 1948.

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 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. In the event of an agreement based on such revision coming into force before 31st August, 1949, the present Protocol shall thereupon terminate.

3. 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 31st August, 1948, and shall remain open for signature until 30th September, 1948, provided, however, that any signatures appended after 31st August, 1948, 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, 1948, 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:
LEIF EGELAND

For the Government of the Common-
wealth of Australia:
JOHN A. BEASLEY

For the Government of Belgium:
G. WALRAVENS

For the Government of Brazil:
MARIO GUIMARÃES

For the Government of Cuba:
JULIO A. BRODERMANN

Subject to a reservation that the Republic of Cuba will have the right to withdraw from the Agreement, at any time, giving notice to the Government of the United Kingdom, as depository of the Protocol, of the intention to withdraw ninety (90) days in advance.

For the Government of Czechoslovakia:
B. G. KRATOCHVÍL

For the Government of the Dominican
Republic:
A. PASTORIZA

For the Government of the French
Republic:
J. C. H. DE SAILLY

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:
ERNEST BEVIN

For the Government of Hayti:
F. DUVIGNEAUD
Ad referendum

For the Government of the Netherlands:
A. BENTINGCK

For the Government of Peru:
M. GRAU P.

For the Government of the Republic of
the Philippines:
R. J. FERNANDEZ

For the Government of Poland:
A. SZEMINSKI

For the Government of Portugal:
MIGUEL D'ALMEIDA PILE

For the Government of the Union of
Soviet Socialist Republics:

For the Government of the United
States of America:
L. W. DOUGLAS
Subject to ratification

For the Government of the Federal Peo-
ple's Republic of Yugoslavia:
DR. FRANČ KOS

GENERAL AGREEMENT ON TARIFFS AND TRADE

Protocol opened for signature at Geneva September 14, 1948, and signed for the United States September 14, 1948, for the accession of signatories of the final act of October 30, 1947
Entered into force September 14, 1948

62 Stat. 3663; Treaties and Other
International Acts Series 1887

PROTOCOL FOR THE ACCESSION OF SIGNATORIES OF THE FINAL ACT OF 30 OCTOBER 1947

Considering the fact that the Protocol of Provisional Application of the General Agreement on Tariffs and Trade,¹ which by its terms remained open for signature until 30 June 1948, was not by that date signed by all the Governments signatory to the Final Act of the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment,²

Considering the resolution of the second session of the CONTRACTING PARTIES that such a Government shall not be considered to be a "party" to the General Agreement within the meaning of article XXXIII thereof, and

Considering the desirability of affording an additional opportunity for the provisional application between such a Government and the contracting parties of the provisions of the General Agreement which was concluded at the second session of the Preparatory Committee and authenticated on 30 October 1947,

It is agreed with regard to the terms upon which such a Government, by signature of the present Protocol, may accede under article XXXIII of the General Agreement:

1. Any such Government shall, without prejudice to its right to accept the General Agreement under article XXVI, apply the General Agreement, as amended and rectified, provisionally in accordance with the provisions of paragraphs 1(a), 1(b), and 5 of the Protocol of Provisional Application. Such Government shall also have the right of election provided for in subparagraph (d) of paragraph 1 of article XIV of the General Agreement as if it had signed the Protocol of Provisional Application before 1 July 1948; *Provided* the written notice of such election is communicated to the

¹ TIAS 1700, *ante*, p. 687.

² TIAS 1700, *ante*, p. 639.

CONTRACTING PARTIES before 1 January 1949 or before the day on which such Government becomes a contracting party, whichever is the later.

2. Such provisional application shall take effect for any such Government on the thirtieth day after the signature hereof by such Government; *Provided* such signature is affixed before 17 February 1949; and *Provided* further that this Protocol has on the day of such signature been signed by two-thirds of the Governments then contracting parties to the General Agreement. Upon signature of this Protocol by two-thirds of the contracting parties it shall constitute a decision for the purpose of article XXXIII of the General Agreement.

3. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, where it will remain open for signature. The Secretary-General is authorized to effect registration of the Protocol.

In witness whereof the respective representatives, duly authorized, have signed the present Protocol.

Done at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September, 1948.

For the Commonwealth of Australia: JOHN A. TONKIN	For the Grand Duchy of Luxembourg: J. WOULBROUN
For the Kingdom of Belgium: M. SUTENS	For the Kingdom of the Netherlands: E. DE VRIES
For the United States of Brazil: JOÃO CARLOS MUNIZ	For New Zealand: L. S. NICOL
For Burma: SAW OHN TIN	For the Kingdom of Norway: TORFINN OPTEDAL
For Canada: L. D. WILGESS	For Pakistan: S. A. HASNIE
For Ceylon: O. E. GOONETILLEKE	For Southern Rhodesia:
For the Republic of China: WUNSZ KING	For Syria: H. DJEBBARA
For the Republic of Cuba: S. CLARK	For the Union of South Africa:
For the Czechoslovak Republic:	For the United Kingdom of Great Britain and Northern Ireland: R. SHACKLE
For the French Republic: ANDRÉ PHILIP	For the United States of America: LEROY D. STINEBOWER
For India: C. DESAI	For the Republic of Chile:
For Lebanon: M. MOBARAK	

[The protocol was signed for Southern Rhodesia on February 8, 1949; for Chile on February 14, 1949; and for South Africa on February 16, 1949.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol of rectifications to the schedules of tariff concessions annexed
to the General Agreement of October 30, 1947, signed at Geneva
September 14, 1948*

Entered into force September 14, 1948

[For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. A91 or TIAS 1700, p. 87; for protocol of rectifications of September 14, 1948, see 62 Stat. 3671; TIAS 1888.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol signed at Geneva September 14, 1948, modifying Part I and
article XXIX of the General Agreement of October 30, 1947
Acceptance by the United States deposited with the United Nations
September 23, 1948*

Entered into force September 24, 1952

[For text, see 3 UST 5355; TIAS 2744.]

MOST-FAVORED-NATION TREATMENT FOR AREAS OF WESTERN GERMANY UNDER OC- CUPATION OR CONTROL

*Agreement, with interpretative notes, opened for signature at Geneva
September 14, 1948, and signed for the United States Septem-
ber 14, 1948*

Entered into force October 14, 1948

Terminated with respect to the United States June 15, 1952¹

62 Stat. 3653; Treaties and Other
International Acts Series 1886

AGREEMENT ON MOST-FAVORED-NATION TREATMENT FOR AREAS OF WESTERN GERMANY UNDER MILITARY OCCUPATION

Being desirous of facilitating to the fullest extent possible the reconstruction and recovery of the world from the destruction wrought by the recent war,

Believing that one of the most important steps towards such reconstruction and recovery on a sound basis is the restoration of international trade in accordance with the principles of the Havana Charter for an International Trade Organization,² and

Considering that the application of reciprocal most-favoured-nation treatment to the trade of the areas of Western Germany under military occupation will contribute to the foregoing objectives,

The signatories agree to the following provisions:

ARTICLE I

For such time as any signatory of this Agreement participates in the occupation or control of any area in Western Germany, each of the signatories shall accord to the merchandise trade of such area the treatment provided for in the most-favoured-nation provisions of the General Agreement on Tariffs and Trade, dated 30 October 1947,³ as now or hereafter amended.

¹ Pursuant to notice of intention to withdraw deposited Dec. 14, 1951, in accordance with provisions of art. V.

² Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

³ TIAS 1700, *ante*, p. 641.

ARTICLE II

The undertaking by a signatory provided for in Article I shall apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favoured-nation treatment to the merchandise trade of the territory of such signatory.

ARTICLE III

The undertaking in Article I is entered into in the light of the absence, on the date of this Agreement, of effective or significant tariff barriers to imports into the areas referred to therein. In the event that effective or significant tariff barriers are thereafter imposed in any such area, such undertaking shall be without prejudice to the application by any signatory of the principles relating to the reduction of tariffs on a mutually advantageous basis which are set forth in the Havana Charter for an International Trade Organization.

ARTICLE IV

The rights and obligations established by this Agreement are to be understood as entirely independent of any rights or obligations which are or may be established by the General Agreement on Tariffs and Trade or by the Havana Charter.

ARTICLE V

1. This Agreement shall be open for signature at Geneva on this day and shall remain open for signature thereafter at the Headquarters of the United Nations. The Agreement shall enter into force for each signatory upon the expiration of thirty days from the day on which such signatory signs the Agreement.

2. The undertakings in this Agreement shall remain in force until 1 January 1951, and, except for any signatory which at least six months before 1 January 1951 shall have deposited with the Secretary-General of the United Nations a notice in writing of intention to withdraw from this Agreement on that date, they shall remain in force thereafter subject to the right of any signatory to withdraw upon the expiration of six months from the date on which such a notice shall have been so deposited.

3. On the request of any three signatories to this Agreement, and in any event not later than 1 January 1951, the Government of the Kingdom of the Netherlands shall promptly convene a meeting of all signatories with a view to reviewing the operation of the Agreement and agreeing upon such revisions as may be appropriate.

ARTICLE VI

1. The interpretative notes to this Agreement which are contained in the Annex shall constitute an integral part thereof.

2. The original of this Agreement shall be deposited with the Secretary-General of the United Nations, who shall send a certified copy thereof to each member of the United Nations and to each country which participated in the United Nations Conference on Trade and Employment, and he is authorized to effect registration thereof pursuant to paragraph 1 of Article 102 of the Charter of the United Nations.⁴

3. The Secretary-General shall notify each signatory of the date of each signature of this Agreement subsequent to the date of the Agreement or of any notice of intention to withdraw pursuant to paragraph 2 of Article V.

In witness whereof, the respective representatives, duly authorized, have signed this Agreement.

Done at Geneva, in a single copy, in the English and French languages, both texts authentic, this fourteenth day of September 1948.

ANNEX

INTERPRETATIVE NOTES

1. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, referred to in Article I may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the appropriate authorities fails to result within a reasonable time in an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in Article I for any signatory to levy a countervailing duty on imports of such goods, equivalent to the estimated amount of such subsidization, where such signatory determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry. In circumstances of special urgency, where delay would cause damage which it would be difficult to repair, action may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

2. The reference to the most-favoured-nation provisions of the General Agreement is understood to cover all the provisions of the General Agreement relevant to most-favoured-nation treatment as well as Article I.

3. The standard of the treatment to be accorded is set by all the most-favoured-nation provisions of the General Agreement (including the exceptions) and accordingly, under the reciprocity clause of Article II of this Agreement, the same standard would be used to measure the treatment received. If in the judgment of a signatory, that signatory was not actually receiving the most-favoured-nation treatment conforming to the standard, it would not consider itself obligated to grant treatment in accordance with

⁴ TS 993, *ante*, vol. 3, p. 1176.

the standard. Differences of view between signatories would naturally, however, be the subject of consultation.

4. The reference in Article III to "the principles relating to the reduction of tariffs on a mutually advantageous basis which are set forth in the Havana Charter", is designed to permit a signatory to withhold most-favoured-nation treatment in the event of the failure of an area under occupation—assuming that significant or effective tariffs were to be imposed by such area—to negotiate in accordance with the principles of Article 17 of the Havana Charter and in conformity with the established procedure for tariff negotiations.

For the Kingdom of Norway:
TORFINN OFTEDAL

For the United States of Brazil:
Ad referendum
To be effective thirty days after notification to the Secretary-General of the United Nations [translation].
JOÃO CARLOS MUNIZ

For Pakistan:
S. HASNIE

For Ceylon:
Ad referendum
Signature to be effective thirty days after notification to Secretary-General of U.N.
O. GOONETILLEKE

For India:
Ad referendum
Signature to be effective thirty days after notification to Secretary-General of U.N.
C. DESAI

For the United Kingdom:
R. SHACKLE

For the United States of America:
LEROY D. STINEBOWER

For the French Republic:
ANDRÉ PHILIP

For the Kingdom of the Netherlands:
E. DE VRIES

For Belgium:
M. SUTENS

For the Grand Duchy of Luxembourg:
J. WOULBROUN

For Canada:
L. D. WILGESS

For the Union of South Africa:
Ad referendum
Signature to be effective thirty days after notification to Secretary-General of U.N.
L. C. STEYN
14 October 1948

[The agreement was signed for China on January 18, 1949; for Denmark on November 8, 1949; for the Dominican Republic on September 7, 1949; for Greece on February 7, 1950; and for Syria on September 24, 1949.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

Protocol signed at Geneva September 14, 1948, modifying part II and article XXVI of the General Agreement of October 30, 1947

Accepted by certain signatories, including the United States, September 23, 1948, the date of deposit of the protocol with the United Nations

Entered into force December 14, 1948

62 Stat. 3679; Treaties and Other
International Acts Series 1890

PROTOCOL MODIFYING PART II AND ARTICLE XXVI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade¹ (hereinafter referred to as the Agreement),

Desiring to effect an amendment to the Agreement, pursuant to the provisions of article XXX thereof,

Hereby agree as follows:

1. The texts of articles III, VI, XIII, XV, XVIII and XXVI of the Agreement and certain related provisions in Annex I shall be modified as follows:

A

The text of article III shall read:

¹ TIAS 1700, *ante*, p. 641.

"ARTICLE III

"National Treatment on Internal Taxation and Regulation

"1. The contracting parties recognize that internal taxes and other internal charges, and laws, regulations and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of products, and internal quantitative regulations requiring the mixture, processing or use of products in specified amounts or proportions, should not be applied to imported or domestic products so as to afford protection to domestic production.

"2. The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1.

"3. With respect to any existing internal tax which is inconsistent with the provisions of paragraph 2 but which is specifically authorized under a trade agreement, in force on 10 April 1947, in which the import duty on the taxed product is bound against increase, the contracting party imposing the tax shall be free to postpone the application of the provisions of paragraph 2 to such tax until such time as it can obtain release from the obligations of such trade agreement in order to permit the increase of such duty to the extent necessary to compensate for the elimination of the protective element of the tax.

"4. The products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

"5. No contracting party shall establish or maintain any internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources. Moreover, no contracting party shall otherwise apply internal quantitative regulations in a manner contrary to the principles set forth in paragraph 1.

"6. The provisions of paragraph 5 shall not apply to any internal quantitative regulation in force in the territory of any contracting party on 1 July

1939, 10 April 1947, or 24 March 1948, at the option of that contracting party; provided that any such regulation which is contrary to the provisions of paragraph 5 shall not be modified to the detriment of imports and shall be treated as a customs duty for the purpose of negotiation.

“7. No internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions shall be applied in such a manner as to allocate any such amount or proportion among external sources of supply.

“8. (a) The provisions of this article shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.

“(b) The provisions of this article shall not prevent the payment of subsidies exclusively to domestic producers, including payments to domestic producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of this article and subsidies effected through governmental purchases of domestic products.

“9. The contracting parties recognize that internal maximum price control measures, even though conforming to the other provisions of this article, can have effects prejudicial to the interests of contracting parties supplying imported products. Accordingly, contracting parties applying such measures shall take account of the interests of exporting contracting parties with a view to avoiding to the fullest practicable extent such prejudicial effects.

“10. The provisions of this article shall not prevent any contracting party from establishing or maintaining internal quantitative regulations relating to exposed cinematograph films and meeting the requirements of article IV.”

B

The text of article VI shall read:

“ARTICLE VI

“Anti-dumping and Countervailing Duties

“1. The contracting parties recognize that dumping, by which products of one country are introduced into the commerce of another country at less than the normal value of the products, is to be condemned if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry. For the purposes of this article, a product is to be considered as being introduced into the commerce of an importing country at less than its normal value, if the price of the product exported from one country to another

“(a) Is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or,

“(b) In the absence of such domestic price, is less than either

“(i) The highest comparable price for the like product for export to any third country in the ordinary course of trade, or

“(ii) The cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

“Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in taxation, and for other differences affecting price comparability.

“2. In order to offset or prevent dumping, a contracting party may levy on any dumped product an anti-dumping duty not greater in amount than the margin of dumping in respect of such product. For the purposes of this article, the margin of dumping is the price difference determined in accordance with the provisions of paragraph 1.

“3. No countervailing duty shall be levied on any product of the territory of any contracting party imported into the territory of another contracting party in excess of an amount equal to the estimated bounty or subsidy determined to have been granted, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation, including any special subsidy to the transportation of a particular product. The term “countervailing duty” shall be understood to mean a special duty levied for the purpose of offsetting any bounty or subsidy bestowed, directly or indirectly, upon the manufacture, production or export of any merchandise.

“4. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to anti-dumping or countervailing duty by reason of the exemption of such product from duties or taxes borne by the like product when destined for consumption in the country of origin or exportation, or by reason of the refund of such duties or taxes.

“5. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping or export subsidization.

“6. No contracting party shall levy any anti-dumping or countervailing duty on the importation of any product of the territory of another contracting party unless it determines that the effect of the dumping or subsidization, as the case may be, is such as to cause or threaten material injury to an established domestic industry, or is such as to retard materially the establishment of a domestic industry. The CONTRACTING PARTIES may waive the require-

ments of this paragraph so as to permit a contracting party to levy an anti-dumping or countervailing duty on the importation of any product for the purpose of offsetting dumping or subsidization which causes or threatens material injury to an industry in the territory of another contracting party exporting the product concerned to the territory of the importing contracting party.

“7. A system for the stabilization of the domestic price or of the return to domestic producers of a primary commodity, independently of the movements of export prices, which results at times in the sale of the commodity for export at a price lower than the comparable price charged for the like commodity to buyers in the domestic market, shall be presumed not to result in material injury within the meaning of paragraph 6 if it is determined by consultation among the contracting parties substantially interested in the commodity concerned that :

“(a) The system has also resulted in the sale of the commodity for export at a price higher than the comparable price charged for the like commodity to buyers in the domestic market, and

“(b) The system is so operated, either because of the effective regulation of production, or otherwise, as not to stimulate exports unduly or otherwise seriously prejudice the interests of other contracting parties.”

C

The phrase “and to any internal regulation or requirement under paragraphs 3 and 4 of article III” in paragraph 5 of article XIII shall be deleted.

D

The opening clause of paragraph 9 of article XV shall read :

“9. Nothing in this Agreement shall preclude:”

E

The text of article XVIII shall read :

“ARTICLE XVIII

“Governmental Assistance to Economic Development and Reconstruction

“1. The contracting parties recognize that special governmental assistance may be required to promote the establishment, development or reconstruction of particular industries or branches of agriculture, and that in appropriate circumstances the grant of such assistance in the form of protective measures is justified. At the same time they recognize that an unwise use of such measures would impose undue burdens on their own economies and unwarranted restrictions on international trade, and might increase unnecessarily the difficulties of adjustment for the economies of other countries.

"2. The CONTRACTING PARTIES and the contracting parties concerned shall preserve the utmost secrecy in respect of matters arising under this article.

"A

"3. If a contracting party, in the interest of its economic development or reconstruction, or for the purpose of increasing a most-favoured-nation rate of duty in connexion with the establishment of a new preferential agreement in accordance with the provisions of paragraph 3 of article I, considers it desirable to adopt any nondiscriminatory measure affecting imports which would conflict with an obligation which the contracting party has assumed under article II of this Agreement, but which would not conflict with other provisions in this Agreement, such contracting party

"(a) Shall enter into direct negotiations with all the other contracting parties. The appropriate Schedules² to this Agreement shall be amended in accordance with any agreement resulting from such negotiations; or

"(b) Shall initially or may, in the event of failure to reach agreement under sub-paragraph (a), apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall determine the contracting party or parties materially affected by the proposed measure and shall sponsor negotiations between such contracting party or parties and the applicant contracting party with a view to obtaining expeditious and substantial agreement. The CONTRACTING PARTIES shall establish and communicate to the contracting parties concerned a time schedule for such negotiations, following as far as practicable any time schedule which may have been proposed by the applicant contracting party. The contracting parties shall commence and proceed continuously with such negotiations in accordance with the time schedule established by the CONTRACTING PARTIES. At the request of a contracting party, the CONTRACTING PARTIES may, where they concur in principle with the proposed measure, assist in the negotiations. Upon substantial agreement being reached, the applicant contracting party may be released by the CONTRACTING PARTIES from the obligation referred to in this paragraph, subject to such limitations as may have been agreed upon in the negotiations between the contracting parties concerned.

"4. (a) If as a result of action initiated under paragraph 3 there should be an increase in imports of any product concerned, including products which can be directly substituted therefor, which if continued would be so great as to jeopardize the establishment, development or reconstruction of the industry or branch of agriculture concerned, and if no preventive measures consistent with the provisions of this Agreement can be found which seem

² For schedules of tariff concessions annexed to the General Agreement, see 61 Stat. A91 or TIAS 1700, p. 87.

likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require, provided that such measures do not restrict imports more than necessary to offset the increase in imports referred to in this sub-paragraph; except in unusual circumstances, such measures shall not reduce imports below the level obtaining in the most recent representative period preceding the date on which the contracting party initiated action under paragraph 3.

“(b) The CONTRACTING PARTIES shall determine, as soon as practicable, whether any such measure should be continued, discontinued or modified. It shall in any case be terminated as soon as the CONTRACTING PARTIES determine that the negotiations are completed or discontinued.

“(c) It is recognized that the relationships between contracting parties under article II of this Agreement involve reciprocal advantages, and therefore any contracting party whose trade is materially affected by the action may suspend the application to the trade of the applicant contracting party of substantially equivalent obligations or concessions under this Agreement provided that the contracting party concerned has consulted the CONTRACTING PARTIES before taking such action and the CONTRACTING PARTIES do not disapprove.

“B

“5. In the case of any non-discriminatory measure affecting imports which would apply to any product in respect of which the contracting party has assumed an obligation under article II of this Agreement and which would conflict with any other provision of this Agreement, the provisions of sub-paragraph (b) of paragraph 3 shall apply; provided that before granting a release the CONTRACTING PARTIES shall afford adequate opportunity for all contracting parties which they determine to be materially affected to express their views. The provisions of paragraph 4 shall also be applicable in this case.

“C

“6. If a contracting party in the interest of its economic development or reconstruction considers it desirable to adopt any non-discriminatory measure affecting imports which would conflict with the provisions of this Agreement other than article II, but which would not apply to any product in respect of which the contracting party has assumed an obligation under article II, such contracting party shall notify the CONTRACTING PARTIES and shall transmit to the CONTRACTING PARTIES a written statement of the considerations in support of the adoption, for a specified period, of the proposed measure.

“7. (a) On application by such contracting party the CONTRACTING PARTIES shall concur in the proposed measure and grant the necessary release for a specified period if, having particular regard to the applicant contracting

party's need for economic development or reconstruction, it is established that the measure

“(i) Is designed to protect a particular industry established between 1 January 1939 and 24 March 1948, which was protected during that period of its development by abnormal conditions arising out of the war; or

“(ii) Is designed to promote the establishment or development of a particular industry for the processing of an indigenous primary commodity, when the external sales of such commodity have been materially reduced as a result of new or increased restrictions imposed abroad; or

“(iii) Is necessary in view of the possibilities and resources of the applicant contracting party to promote the establishment or development of a particular industry for the processing of an indigenous primary commodity, or for the processing of a by-product of such industry, which would otherwise be wasted, in order to achieve a fuller and more economic use of the applicant contracting party's natural resources and manpower and, in the long run, to raise the standard of living within the territory of the applicant contracting party, and is unlikely to have a harmful effect, in the long run, on international trade; or

“(iv) Is unlikely to be more restrictive of international trade than any other practicable and reasonable measure permitted under this Agreement, which could be imposed without undue difficulty, and is the one most suitable for the purpose having regard to the economies of the industry or branch of agriculture concerned and to the applicant contracting party's need for economic development or reconstruction.

“The foregoing provisions of this sub-paragraph are subject to the following conditions:

“(1) Any proposal by the applicant contracting party to apply any such measure, with or without modification, after the end of the initial period, shall not be subject to the provisions of this paragraph; and

“(2) The CONTRACTING PARTIES shall not concur in any measure under the provisions of (i), (ii) or (iii) above, which is likely to cause serious prejudice to exports of a primary commodity on which the economy of the territory of another contracting party is largely dependent.

“(b) The applicant contracting party shall apply any measure permitted under sub-paragraph (a) in such a way as to avoid unnecessary

damage to the commercial or economic interests of any other contracting party.

“(8) If the proposed measure does not fall within the provisions of paragraph 7, the contracting party

“(a) May enter into direct consultations with the contracting party or parties which, in its judgment, would be materially affected by the measure. At the same time, the contracting party shall inform the CONTRACTING PARTIES of such consultations in order to afford them an opportunity to determine whether all materially affected contracting parties are included within the consultations. Upon complete or substantial agreement being reached, the contracting party interested in taking the measure shall apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly examine the application to ascertain whether the interests of all the materially affected contracting parties have been duly taken into account. If the CONTRACTING PARTIES reach this conclusion, with or without further consultations between the contracting parties concerned, they shall release the applicant contracting party from its obligations under the relevant provision of this Agreement, subject to such limitations as the CONTRACTING PARTIES may impose, or

“(b) May initially, or in the event of failure to reach complete or substantial agreement under sub-paragraph (a), apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly transmit the statement submitted under paragraph 6 to the contracting party or parties which are determined by the CONTRACTING PARTIES to be materially affected by the proposed measure. Such contracting party or parties shall, within the time limits prescribed by the CONTRACTING PARTIES, inform them whether, in the light of the anticipated effects of the proposed measure on the economy of the territory of such contracting party or parties, there is any objection to the proposed measure. The CONTRACTING PARTIES shall,

“(i) If there is no objection to the proposed measure on the part of the affected contracting party or parties, immediately release the applicant contracting party from its obligations under the relevant provision of this Agreement; or

“(ii) If there is objection, promptly examine the proposed measure, having regard to the provisions of this Agreement, to the considerations presented by the applicant contracting party and its need for economic development or reconstruction, to the views of the contracting party or parties determined to be materially affected, and to the effect which the proposed measure, with or without modification, is likely to have, immediately and in the long run, on international trade, and, in the long run, on the standard of living within the

territory of the applicant contracting party. If, as a result of such examination, the CONTRACTING PARTIES concur in the proposed measure, with or without modification, they shall release the applicant contracting party from its obligations under the relevant provision of this Agreement, subject to such limitations as they may impose.

“9. If, in anticipation of the concurrence of the CONTRACTING PARTIES in the adoption of a measure referred to in paragraph 6, there should be an increase or threatened increase in the imports of any product concerned, including products which can be directly substituted therefor, so substantial as to jeopardize the establishment, development or reconstruction of the industry or branch of agriculture concerned, and if no preventive measures consistent with this Agreement can be found which seem likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require, pending a decision by the CONTRACTING PARTIES on the contracting party's application; provided that such measures do not reduce imports below the level obtaining in the most recent representative period preceding the date on which notification was given under paragraph 6.

“10. The CONTRACTING PARTIES shall, at the earliest opportunity but ordinarily within fifteen days after receipt of an application under the provisions of paragraph 7 or sub-paragraphs (a) or (b) of paragraph 8, advise the applicant contracting party of the date by which it will be notified whether or not it is released from the relevant obligation. This shall be the earliest practicable date and not later than ninety days after receipt of such application; provided that, if unforeseen difficulties arise before the date set, the period may be extended after consultation with the applicant contracting party. If the applicant contracting party is not so notified by the date set, it may, after informing the CONTRACTING PARTIES, institute the proposed measure.

“11. Any contracting party may maintain any non-discriminatory protective measure affecting imports in force on 1 September 1947 which has been imposed for the establishment, development or reconstruction of a particular industry or branch of agriculture and which is not otherwise permitted by this Agreement; provided that notification has been given to the other contracting parties not later than 10 October 1947 of such measure and of each product on which it is to be maintained and of its nature and purpose.

“12. Any contracting party maintaining any such measure shall within sixty days of becoming a contracting party submit to the CONTRACTING PARTIES a statement of the considerations in support of the maintenance of the measure and the period for which it wishes to maintain it. The CONTRACTING PARTIES shall, as soon as possible, but in any case within twelve months from the date on which such contracting party becomes a contracting party, ex-

amine and give a decision concerning the measure as if it had been submitted to the CONTRACTING PARTIES for their concurrence under paragraphs 1 to 10 inclusive of this article.

“13. The provisions of paragraphs 11 and 12 of this article shall not apply to any measure relating to a product in respect of which the contracting party has assumed an obligation under article II of this Agreement.

“14. In cases where the CONTRACTING PARTIES decide that a measure should be modified or withdrawn by a specified date, they shall have regard to the possible need of a contracting party for a period of time in which to make such modification or withdrawal.”

F

Sub-paragraph (b) and the designation “(a)” in paragraph 5 of article XXVI shall be deleted.³

G

(i) The following shall be inserted in Annex I immediately after the interpretative notes relating to article II:

“AD ARTICLE III

“Any internal tax or other internal charge, or any law, regulation or requirement of the kind referred to in paragraph 1 which applies to an imported product and to the like domestic product and is collected or enforced in the case of the imported product at the time or point of importation, is nevertheless to be regarded as an internal tax or other internal charge, or a law, regulation or requirement of the kind referred to in paragraph 1, and is accordingly subject to the provisions of article III.

“Paragraph 1

“The application of paragraph 1 to internal taxes imposed by local governments and authorities within the territory of a contracting party is subject to the provisions of the final paragraph of article XXIV. The term ‘reasonable measures’ in the last-mentioned paragraph would not require, for example, the repeal of existing national legislation authorizing local governments to impose internal taxes which, although technically inconsistent with the letter of article III are not in fact inconsistent with its spirit, if such repeal would result in a serious financial hardship for the local governments or authorities concerned. With regard to taxation by local governments or authorities which is inconsistent with both the letter and spirit of article III, the term ‘reasonable measures’ would permit a contracting party to eliminate the inconsistent taxation gradually over a transition period, if abrupt action would create serious administrative and financial difficulties.

³ For a protocol of Aug. 13, 1949, further modifying art. XXVI (TIAS 2300), see 2 UST 1583.

“Paragraph 2

“A tax conforming to the requirements of the first sentence of paragraph 2 would be considered to be inconsistent with the provisions of the second sentence only in cases where competition was involved between, on the one hand, the taxed product and on the other hand, a directly competitive or substitutable product which was not similarly taxed.

“Paragraph 3

“Regulations consistent with the provisions of the first sentence of paragraph 5 shall not be considered to be contrary to the provisions of the second sentence in any case in which all of the products subject to the regulations are produced domestically in substantial quantities. A regulation cannot be justified as being consistent with the provisions of the second sentence on the ground that the proportion or amount allocated to each of the products which are the subject of the regulation constitutes an equitable relationship between imported and domestic products.”

(ii) The texts of the interpretative notes to article VI in Annex I shall read:

“AD ARTICLE VI

“Paragraph 1

“Hidden dumping by associated houses (that is, the sale by an importer at a price below that corresponding to the price invoiced by an exporter with whom the importer is associated, and also below the price in the exporting country) constitutes a form of price dumping with respect to which the margin of dumping may be calculated on the basis of the price at which the goods are resold by the importer.

*“Paragraphs 2 and 3**“Note 1*

“As in many other cases in customs administration, a contracting party may require reasonable security (bond or cash deposit) for the payment of anti-dumping or countervailing duty pending final determination of the facts in any case of suspected dumping or subsidization.

“Note 2

“Multiple currency practices can in certain circumstances constitute a subsidy to exports which may be met by countervailing duties under paragraph 3 or can constitute a form of dumping by means of a partial depreciation of a country’s currency which may be met by action under paragraph 2. By ‘multiple currency practices’ is meant practices by Governments or sanctioned by Governments.”

(iii) The following shall be inserted in Annex I immediately after the interpretative notes relating to article XVII:

“AD ARTICLE XVIII

“*Paragraph 3*

“The clause referring to the increasing of a most-favoured-nation rate in connexion with a new preferential agreement will only apply after the insertion in article I of the new paragraph 3 by the entry into force of the amendment provided for in the Protocol Modifying Part I and article XXIX of the General Agreement on Tariffs and Trade, dated 14 September 1948.

“*Paragraph 7(a)(ii) and (iii)*

“The word ‘processing’, as used in these sub-paragraphs, means the transformation of a primary commodity or of a by-product of such transformation into semi-finished or finished goods but does not refer to highly developed industrial processes.”

2. This Protocol shall, following its signature at the close of the second session of the CONTRACTING PARTIES, be deposited with the Secretary-General of the United Nations.

3. The deposit of this Protocol will, as from the date of deposit, constitute the deposit of the instrument of acceptance of the amendment set out in paragraph 1 of this Protocol by any contracting party the representative of which has signed this Protocol without any reservation.

4. The instruments of acceptance of those contracting parties which have not signed this Protocol, or which have signed it with a reservation as to acceptance, will be deposited with the Secretary-General of the United Nations.

5. The amendment set out in paragraph 1 of this Protocol shall, upon the deposit of instruments of acceptance pursuant to paragraphs 3 and 4 of this Protocol by two-thirds of the Governments which are at that time contracting parties, enter into force in accordance with the provisions of article XXX of the Agreement.

6. The Secretary-General of the United Nations will inform all interested Governments of each acceptance of the amendment set out in this Protocol and of the date upon which such amendment enters into force.

7. The Secretary-General is authorized to effect registration of this Protocol at the appropriate time.

In witness whereof the respective representatives, duly authorized to that effect, have signed the present Protocol.

Done, at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September one thousand nine hundred and forty-eight.

For the Commonwealth of Australia:
JOHN A. TONKIN
Ad referendum

For the Kingdom of Belgium:
M. SUETENS

- For the United States of Brazil:
JOÃO CARLOS MUNIZ
Ad referendum
- For Burma:
- For Canada:
L. D. WILGRESS
Ad referendum
- For Ceylon:
O. E. GOONETILLEKE
Ad referendum
- For the Republic of China:
WUNSZ KING
Ad referendum
- For the Republic of Cuba:
S. CLARK
- For the Czechoslovak Republic:
Z. AUGENTHALER
Ad referendum
- For the French Republic:
ANDRÉ PHILIP
- For India:
C. DESAI
Ad referendum
- For Lebanon:
M. MOBARAK
- For the Grand Duchy of Luxembourg:
J. WOULBROUN
- For the Kingdom of the Netherlands:
E. DE VRIES
- For New Zealand:
L. S. NICOL
Ad referendum
- For the Kingdom of Norway:
TORFINN OPTEDAL
- For Pakistan:
S. A. HASNIE
- For Southern Rhodesia:
- For Syria:
H. DJEBBARA
- For the Union of South Africa:
A. J. NORVAL
Ad referendum
- For the United Kingdom of Great
Britain and Northern Ireland:
R. SHACKLE
Ad referendum
- For the United States of America:
LEROY D. STINEBOWER

MARECHAL JOFFRE CLAIMS

Agreement signed at Washington October 19, 1948, with memorandum of understanding

Entered into force October 19, 1948

62 Stat. 2841; Treaties and Other
International Acts Series 1816

AGREEMENT RESPECTING CERTAIN MARECHAL JOFFRE CLAIMS

The Government of the United States of America, the Government of the French Republic, and the Government of the Commonwealth of Australia have reached agreement respecting the settlement of certain claims arising out of the requisitioning of the SS *Marechal Joffre* and the unloading of its cargo in Australia. The terms of agreement are set forth in the attached Memorandum of Understanding.

Done in triplicate, in the English and French languages, at Washington this nineteenth day of October 1948.

For the Government of the United States
of America:

ROBERT A. LOVETT

*Acting Secretary of State of the
United States of America*

For the Government of the French Re-
public:

H. BONNET

*Ambassador Extraordinary and
Plenipotentiary of the French
Republic in Washington*

For the Government of the Common-
wealth of Australia:

NORMAN J. O. MAKIN

*Ambassador Extraordinary and
Plenipotentiary of the Common-
wealth of Australia in Washing-
ton*

MEMORANDUM OF UNDERSTANDING RESPECTING CERTAIN MARECHAL JOFFRE CLAIMS

1. With reference to the Annex of the Agreement of May 28, 1946 between the Government of the United States and the Government of France concerning maritime claims,¹ the French Government agrees to process and pay all cargo claims arising out of the requisitioning of the SS *Marechal*

¹ TIAS 1928, *post*, FRANCE.

Joffre. Claims will be paid upon presentation of satisfactory proof by the claimant of ownership of and payment for the goods. A release and indemnity, running in favor of the Government of the United States, the Government of France and the Commonwealth of Australia, will be obtained from the claimant covering any claim he might have respecting the goods involved. A bond of indemnity issued by an established bonding company or, in cases where it is not practicable to obtain such a bond of indemnity, a similar indemnity issued by such persons or organizations as customarily issue such indemnities in the area involved, and indemnifying the three governments against loss arising out of the goods involved in the claim will be obtained in cases of payment of claims of individuals and corporations other than banks and insurance companies. Photostatic copies of the release and indemnity bonds will be furnished to the United States Government and the Commonwealth of Australia.

2. The Commonwealth of Australia will pay in Australian currency to the Government of France the net proceeds realized upon disposition of cargo ex *Marechal Joffre* which was landed in Australia, and the Government of the United States hereby waives any claim to such proceeds. The Commonwealth of Australia hereby agrees that such net proceeds will, upon request of the Government of France, be deposited in sterling currency to the credit of the Number 1 account of the Bank of France in London.

3. The French Government hereby indemnifies the Commonwealth of Australia against any loss arising out of claims for cargo ex *Marechal Joffre*. In view of the fact that the liability of the Commonwealth of Australia cannot extend beyond the cargo actually unloaded in Australia, and in view of the fact that a fairly substantial amount has been realized upon the disposal of these items, it is highly unlikely that there will be any significant amount of loss to which this indemnity applies.

4. Payments made with respect to properly substantiated claims of United States citizens duly recognized by the Government of France will be paid by the Government of France in United States dollars.

5. The Commonwealth of Australia hereby waives any further claim against the Government of the United States arising out of the requisitioning of the *Marechal Joffre* and the unloading of the cargo in Australia.

LIMITING MANUFACTURE AND REGULATING DISTRIBUTION OF NARCOTIC DRUGS

*Protocol signed at Paris November 19, 1948, bringing under international control drugs outside the scope of the convention of July 13, 1931, as amended*¹

Senate advice and consent to ratification July 6, 1950

Ratified by the President of the United States August 7, 1950

Ratification of the United States deposited with the United Nations August 11, 1950

Entered into force December 1, 1949; for the United States September 11, 1950

Proclaimed by the President of the United States January 10, 1951

Terminated by single convention of March 30, 1961,² as between contracting parties to the single convention

[For text, see 2 UST 1629; TIAS 2308.]

¹ TS 863, *ante*, vol. 3, p. 1; TIAS 1671, *ante*, p. 267.

² 18 UST 1407; TIAS 6298.

INTERNATIONAL RICE COMMISSION

*Constitution approved by the Conference of the Food and Agriculture Organization of the United Nations at Washington November 15–29, 1948*¹

Instrument of acceptance of the United States deposited with the Director General of the Food and Agriculture Organization at Washington February 28, 1949

Entered into force January 4, 1949; for the United States February 28, 1949

Superseded by amended constitution approved December 10, 1953,² which was subsequently amended by agreement of November 18, 1955,³ and superseded by amended constitution approved November 23, 1961⁴

63 Stat. 2533; Treaties and Other
International Acts Series 1938

CONSTITUTION OF INTERNATIONAL RICE COMMISSION

PREAMBLE

The Council of the Food and Agriculture Organization of the United Nations, having regard to the deliberations of the Rice Study Group which met at Trivandrum, of the Third Session of the Conference of the Organization, and of the International Rice Meeting held at Baguio, and with a view to co-operative action in matters relating to the production, conservation, distribution, and consumption of rice (excepting matters relating to international trade) hereby establishes an International Rice Commission in accordance with the following Constitution.

ARTICLE I

THE COMMISSION

There shall be a Commission, known as the International Rice Commission, with the functions set forth in Article IV of this Constitution.

¹ The constitution was originally formulated at the International Rice Meeting at Baguio, Philippines, Mar. 1–13, 1948.

² 5 UST 1687; TIAS 3046.

³ 9 UST 1247; TIAS 4110.

⁴ 13 UST 2403; TIAS 5204.

ARTICLE II

MEMBERSHIP

The members of the Commission shall be such of the governments members of the Food and Agriculture Organization of the United Nations as may accept this Constitution in accordance with the provisions of Article VII hereof.

ARTICLE III

ORGANIZATION

1. Each government that becomes a member of the Commission as defined in Article II hereof (hereinafter called a "member government") shall have the right to be represented at meetings of the Commission by a single delegate, who may be accompanied by an alternate and by experts and advisers. Alternates, experts, and advisers shall be entitled to take part in the proceedings of the Commission but not to vote, except in the case of an alternate who is duly authorized to act for a delegate.

2. Each member government shall have one vote. Decisions of the Commission shall be taken by a simple majority of votes cast except as otherwise provided by this Constitution. A majority of the members of the Commission shall constitute a quorum.

3. The Commission shall elect a Chairman from among the delegates, who shall serve for a period of one year, without prejudice to the right of re-election.

4. Subject to the provisions of paragraphs 2 and 5 of this Article, the Commission shall, with the concurrence of the Director-General of the Food and Agriculture Organization, establish its own rules of procedure and determine the time and place of its meetings.

5. The Chairman shall call a meeting of the Commission at least once a year, unless otherwise directed by a majority of member governments. The initial meeting shall be called by the Director-General of the Food and Agriculture Organization within six months after the entry into force of this Constitution and at such place as he may designate.

6. Any member government shall have the right, with the concurrence of the Director-General of the Food and Agriculture Organization, to call for a special meeting of the Commission.

7. The seat of the Commission shall be the same place as the seat of the Far Eastern regional office of the Food and Agriculture Organization.

8. The Director-General of the Food and Agriculture Organization shall appoint a Secretary to the Commission and shall provide its secretariat from the staff of the Far Eastern regional office.

ARTICLE IV

FUNCTIONS

The Commission shall, except in matters relating to international trade, have the functions of:

(a) formulating and keeping under review the scientific, technical, and economic problems involved in the production, conservation, distribution, and consumption of rice;

(b) promoting and co-ordinating research into those problems and its application to the development and adoption of improved methods in everyday practice;

(c) encouraging and assisting the mobilization and use of scientifically and technically trained persons in such a way as to secure the greatest common benefit to member countries in matters relating to the production, conservation, distribution, and consumption of rice;

(d) undertaking, where necessary and appropriate, co-operative projects directed to the solution of the above-mentioned problems;

(e) assembling, collating, and disseminating, through the publications of the Food and Agriculture Organization and otherwise, information relating to the production, conservation, distribution, and consumption of rice;

(f) establishing such committees and calling such meetings of experts as the Commission may consider desirable for the performance of the foregoing functions;

(g) recommending to member governments, through the Food and Agriculture Organization, such national and international action as may appear to the Commission to be necessary or desirable for the solution of the above-mentioned problems;

(h) recommending to the Food and Agriculture Organization the provision of technical assistance to member governments in measures directed to that end;

(i) extending its good offices in assisting member governments to secure materials and equipment necessary for improvement of the production, conservation, distribution, or consumption of rice;

(j) reporting annually on its activities to the Council of the Food and Agriculture Organization, and making such other reports to the Food and Agriculture Organization on matters relating to the production, conservation, distribution, and consumption of rice as the Commission itself may consider expedient or the Council of the Food and Agriculture Organization may require.

ARTICLE V

CO-OPERATION WITH INTERNATIONAL ORGANIZATIONS

The Commission shall maintain, through the Food and Agriculture Organization, close liaison with the United Nations and its specialized agencies in matters of mutual interest.

ARTICLE VI

EXPENSES

1. Expenses incurred by delegates and their alternates, experts, and advisers in attending meetings of the Commission and expenses incurred by

experts under paragraph (f) of Article IV hereof shall be determined and paid by their respective governments.

2. The expenses of the secretariat of the Commission and any expenses incurred by the chairman of the Commission in performing duties connected with its work in intervals between meetings of the Commission shall be determined and paid by the Food and Agriculture Organization within the limits of an annual budget prepared and approved in accordance with the Rules of Procedure and Financial Regulations of that Organization for the time being in force.

3. Expenses incurred by the Commission in undertaking any co-operative project in accordance with paragraph (d) of Article IV hereof shall, unless they are met by the Food and Agriculture Organization or from any other source, be determined and paid by member governments in such manner and proportions as they may mutually agree.

ARTICLE VII

ACCEPTANCE AND WITHDRAWAL

1. Acceptance of this Constitution by any member government of the Food and Agriculture Organization shall be effected by the deposit of a notification of acceptance with the Director-General of the Organization and shall take effect on receipt of such notification by the Director-General, who shall forthwith inform each of the member governments of the Organization.

2. Any member government may withdraw from the Commission at any time after the expiration of one year from the date on which its acceptance takes effect, or this Constitution comes into force, whichever is the later, by giving written notice of such withdrawal to the Director-General of the Food and Agriculture Organization, who shall forthwith inform all member governments of the Commission. Any such notice of withdrawal shall become effective six months after the date of its receipt by the Director-General.

ARTICLE VIII

AMENDMENTS

This Constitution may be amended by the vote of a two-thirds majority of all the members of the Commission, with the concurrence of the Council of the Food and Agriculture Organization.

ARTICLE IX

ENTRY INTO FORCE

This Constitution shall enter into force as soon as notifications of acceptance have been received from the governments of at least ten countries members of the Food and Agriculture Organization representing in the aggregate not less than half of the world production of rice in the crop year 1947/48 as shown by official statistics.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

*Resolution amending the UNESCO constitution, adopted at Beirut
December 10, 1948*

Entered into force December 10, 1948

[For text, see 10 UST 959; TIAS 4230.]

CLAIMS TO GERMAN ASSETS

*Protocol opened for signature at Brussels February 3, 1949, amending
agreement of December 5, 1947; signed for the United States
February 3, 1949*

Entered into force February 3, 1949

*Agreement further amended by additional protocols of May 10, 1950,¹
January 24, 1951,² and April 30, 1952³*

[For text, see 2 UST 785; TIAS 2230.]

NORTHWEST ATLANTIC FISHERIES

*Convention signed at Washington February 8, 1949, with annex
Senate advice and consent to ratification August 17, 1949*

Ratified by the President of the United States September 1, 1949

*Ratification of the United States deposited at Washington September 1,
1949*

Entered into force July 3, 1950

Proclaimed by the President of the United States July 17, 1950

*Amended by protocols of June 25, 1956;⁴ November 29, 1965;⁵ and
October 1, 1969⁶*

*Supplemented by declaration of understanding of April 24, 1961,⁷ and
protocol of July 15, 1963⁸*

[For text, see 1 UST 477; TIAS 2089.]

¹ 2 UST 791; TIAS 2230.

² 2 UST 795; TIAS 2230.

³ 3 UST 4254; TIAS 2569.

⁴ 10 UST 59; TIAS 4170.

⁵ 21 UST; TIAS 6840 and 6841.

⁶ Not in force as of May 1, 1970.

⁷ 14 UST 924; TIAS 5380.

⁸ 17 UST 635; TIAS 6011.

WESTERN GERMAN FRONTIERS

*Protocol signed at Paris March 22, 1949, with communique dated
March 26, 1949*

*Entered into force March 22, 1949*¹

Department of State files

PROTOCOL

[TRANSLATION]

The Committee on Western German Frontiers established by the decisions of the Conference held at London in May and June 1948, and composed of representatives of the United States of America, Belgium, France, the United Kingdom of Great-Britain and Northern Ireland, Luxembourg and the Netherlands met in Paris again on February 22, 1949; it ended its work on March 22nd, 1949.

I

Communique

The Committee has decided to publish on March 26th, 6 p.m., Paris Time, a communique which is attached as annex I to this protocol.

II

Entry Into Force of the Recommendations

1. On Saturday, April 23, the Military Governors concerned, on the one hand, and the successor state, on the other, will promulgate and publish the legislative and administrative acts necessary to effect the provisional transfer of territory, in conformity with the general principles set forth in Part V below.

2. The transfer of the territories to the successor state will be effected the same day, according to the following procedure which will be applied to each of the transferred territories, taking account of the reservations set forth in para. d) below.

a) At 6 a.m., a representative of the Occupation Power concerned and a representative of the successor state, each assisted by technical experts, will

¹ The Committee on Western German Frontiers held its final session at Paris Mar. 28-31, 1950, and on Mar. 31 signed a protocol approving, with minor changes, the reports of the Demarcation Commissions.

meet at a point agreed upon in advance. The two representatives will mark the provisional frontier line with flags, following as closely as possible the general line described in the Working Party's Report.

b) In case of disagreement, the opinion of the representative of the Occupation Power shall prevail.

c) At 12 noon at the latest, or at any other time on which the two representatives may agree, the German customs and administrative posts will be withdrawn to the new line and the customs and administrative posts of the successor state will be moved forward accordingly.

d) In cases where the new frontier line is drawn with sufficient precision on the maps attached to the Report of the Working Party on Provisional Adjustments of the Western Frontier of Germany, the Military Governor concerned and the successor state may agree that the demarcation procedure described in paras. a) and b) above is unnecessary.

III

Modification of Certain Recommendations

The territorial transfers referred to above are those contained in the Report of the Working Party on Provisional Adjustments of the Western Frontiers of Germany, dated September 1, 1948.²

However, the French Government having decided to renounce the implementation of the rectification of the Franco-German boundary provided for in that Report (Part II, para. D), a rectification of the frontiers in the Forest of Mundat will give the Valley of Buchbach to France. In general, the new line will be that marked on the map (scale: 50/1000) annexed to this Protocol.² The delimitation commission will be ordered to study its application on the spot, taking into account the object of this border rectification, which is to give to the city of Wissembourg the springs necessary to its water supply.

The French Government, acting on behalf of the Saar, has furthermore decided to renounce the implementation of the rectification of the German-Saar boundary provided for in Part VI, paragraph 2 of the Paris Report of September 1st (Commune of Weldmohr).

Furthermore, the Netherlands Government has decided to renounce the implementation of the rectifications enumerated below:

Part II, paragraph A, of the Paris Report of September 1, 1948.

Sub-paragraph 2—Partially, insofar as the frontier between Nieuwe-Schans and stone 187 is concerned.

Sub-paragraph 3—Partially, insofar as the frontier between stones 49 and 41 is concerned.

Sub-paragraph 5—Entirely.

Sub-paragraph 13—Entirely.

² Not printed here.

IV

Demarcation Commissions

The final demarcation of the frontiers will be determined on the spot in accordance with the following principles, by Demarcation Commissioners designated by the Committee on Western German Frontiers:

German-Netherlands frontier:	Representatives of the Commanders in Chief. A representative of the Netherlands Government.
German-Belgian frontier:	Representatives of the Commanders in Chief. A representative of the Belgian Government.
German-Luxembourg frontier:	Representatives of the Commanders in Chief. A representative of the Luxembourg Government.
German-Saar frontier:	Representatives of the Commanders in Chief. A representative of the High Commissioner of the French Republic in the Saar, assisted by a representative of the Saar Government.
German-French frontier:	Representatives of the Commanders in Chief. A representative of the French Government.

These Commissioners will be divided into two groups, one for the frontier between the Netherlands and Germany, the other for the frontiers between Belgium, Luxembourg, the Saar and France on the one hand and Germany on the other. They will be assisted by experts.

The Commissioners will begin their work immediately after the transfer of territory, those of the first group at Maastricht, those of the second group at Verviers; they will conclude their labors at the earliest possible moment, and in any case within six months.

The Commissioner representing the Occupation Power concerned will be Chairman and the Commissioner of the successor state will be Secretary of the group.

In the doubtful cases, the local authorities and the affected inhabitants may present to the Commissioners their views on the definitive line of the frontier, as far as technical considerations are concerned. They may not in any case set forth political considerations touching the general decision to transfer the areas in question or bringing into question the decisions of the Committee.

The expenses of the technical work of each group of Commissioners will be borne equally by the successor state and by the Occupation Power.

The demarcation decisions made by the Commissioners will be submitted for the approval of the Committee on Western German frontiers, which will reconvene as soon as the work of delimitation will have been completed. In case of dispute among the Commissioners, the Committee will settle the question by such method as it may choose.

V

Financial and Administrative Questions

The report of the Working Party on Frontiers (Part I, paragraph 2) recommended the adoption of certain principles of a general nature for the set-

tlement of the various problems arising from border rectifications. Each of the interested Governments, and, as far as Germany is concerned, the Military Governors, shall be responsible for the enactment of necessary legal measures or regulations.

The Governments concerned have decided, however, to apply, or have the military Governors apply, the following general principles:

A) FINANCIAL QUESTIONS

1. The Governments concerned intend to proceed in the following manner as regards the monetary measures which the transfer of certain German territories renders necessary, following deposit by the interested persons of their cash assets in D.M. and a statement of all their other assets.

a) The immediate exchange, cash against cash, within the following limits: in a personal or family capacity, 100 D.M. for the head of the family and 50 D.M. for his spouse and for each minor child living in his household; and in the capacity of employer, for physical and corporate persons employing salaried personnel in a permanent manner, 80 D.M. per employee.

b) Subsequently, and after a period of time not exceeding four to five days, the placing at the disposal of interested persons of a further sum of 500 D.M. per head of family or employer, such sum to be chargeable either against receipt for cash deposit, or against their bank account credits in the attached territories, the balance of which would remain temporarily blocked.

c) As an exception the payment of an advance, not exceeding the equivalent of 500 D.M. to persons who were unable to benefit from the above provisions and who are in a position to assign to the Treasury an equivalent amount, from assets they may have in banking or similar establishments in Germany.

d) Finally, and following the implementation of such control measures as may possibly appear necessary, the exchange of remaining balances and the release of bank accounts.

e) The funds necessary for the exchange of notes and coins in D.M. shall be supplied by the Treasury. Banking or similar establishments situated in the attached territories shall be asked to prepare a "Statement of conversion" and shall receive from the Treasury the possible difference between their credit and debit conversion balances, on condition that they assign as a guarantee for this advance their credits in D.M.

f) The rate of exchange shall be fixed in relation to the respective values on the day of attachment of the territories of the D.M., the Dollar and the currency of each country concerned.

2. Contacts with the occupation authorities will be necessary in order to ascertain the amount of deposits in banking or similar establishments located in Germany, and to obtain access to declarations registered at the time of currency conversion in Germany. The latter information might use-

fully be compared with the present assets of each inhabitant in order to discover any speculative increase.

3. A number of problems will have to be covered by subsequent negotiations, particularly on the following points:

a) Disposition of assets in D.M. which banks or individuals may have surrendered to the powers concerned in guarantee for advances in national currencies.

b) facilities to be made available to inhabitants of attached territories for the transfer to the countries concerned of their assets deposited in banking or similar establishments in Germany.

c) methods of payment of premiums and benefits in connection with insurance policies subscribed with German companies; social insurance and pensions.

d) settlement of problems which might eventually arise from the existence of "frontalier" workers.

e) disposition of D.M. withdrawn from circulation following the operations of attachment.

f) methods of transfer to Germany of funds originating in attached territories.

g) methods of regulating debts and credits between persons resident in Germany and persons resident in the transferred territories, it being understood that these debts and credits will not be affected by the transfer of territory.

B) ADMINISTRATIVE QUESTIONS

1) *Status of the Inhabitants*

German nationals normally resident in the attached territories before February 23, 1948, may acquire the nationality of the country to which the territory is attached either as of right or under conditions at least as favorable as those accorded to other foreigners resident in the country. However, no one shall be forced to accept the nationality of the country taking over the area. Persons not wishing to acquire this nationality will enjoy the protection accorded to persons and property by the laws of the country; no discrimination will be exercised against them.

Persons not desiring to acquire the nationality of the interested country will keep German nationality and may either move to Germany or continue to reside in the territory. In the latter case, measures of expulsion will only be taken as a defense against subversive elements and in accordance with the generally prevailing regulations concerning expulsions. The facts which have led to the decision to expel will be notified to the Occupation authorities concerned. The latter will communicate them to the occupation authorities of the two other zones.

The Belgian, French, Luxembourg and Netherlands delegations recognize that the rules of domestic law which will regulate the nationality status of the inhabitants of the attached territories should conform to the following principles:

a) The inhabitants of the attached territories will have full right to keep German nationality. They will have a reasonable period in which to manifest their wishes.

b) The procedure for manifesting their wishes shall be as simple as possible and shall be of such a nature as to guarantee entire freedom of expression. It will suffice, for example, for those who wish to remain German, to ask for a foreigner's identity card.

2) *Juridical Competence*

The juridical system of the successor state will come into force on the day of transfer, particularly as concerns the rules of civil and criminal competence, execution of warrants of arrest or judgments, fulfillment of sentences, the right of pardon and the obligation of all inhabitants without distinction to stand responsible for any infractions of police and security measures.

3) *Property*

a) Persons who do not wish to acquire the nationality of the country concerned and who decide to move to Germany will be allowed, after payment of debts or fiscal obligation against them in the transferred area, either to take with them their property or to sell it on the spot and transfer the funds which they possess, on condition that the property and funds have been legally acquired.

In addition, such persons will be authorized either to retain their real property or to sell it under the same conditions as apply to nationals of the successor state, and without any pressure being applied to force them to sell.

With a view to facilitating the reestablishment in Germany of persons who may sell their real property under the conditions set forth in the preceding paragraph, the successor state shall furnish to the military Governors concerned all the necessary information concerning such sales of real estate.

The method of the transfer of funds derived from the sales mentioned in the paragraph above will be handled by subsequent arrangements as is provided in paragraph V-A-3f.

No measure of sequestration will be taken against property situated on the attached territories and belonging to physical persons or to corporations other than public bodies resident in Germany.

b) The successor state will receive without payment the public and private property of the German state and of the Laender situated in the attached territory. The Administration of the successor states and the Military Governors of the zone of occupation will decide between themselves the share of the assets of local German public bodies which will revert to the

communes or parts of communes detached from Germany, excepting the property and debts of these public bodies which concern only the non-detached parts of the commune.

4) *Pensions and Social Insurance*

In the matter of the payment of civil or military pensions acquired in the service of the German state or of municipal or local German public bodies Germany will give national treatment to persons resident in the transferred areas and acquiring the nationality of the successor state.

Special arrangements will regulate the conditions under which the obligations of German public or private social insurance agencies toward the inhabitants of the attached territories will be transferred to analogous agencies of the successor state, together with a proportional part of the accumulated reserves of these agencies.

Pending the establishment of the means of payment envisaged in paragraph V-A-3f, advances may be made in certain individual cases by the successor state.

5) *Archives and Documents*

All the archives and all the documents of an administrative nature or of historical interest concerning the attached areas will be transferred to the successor state. In those cases in which the archives or documents constitute an inseparable part of a collection principally concerning the non-attached territories, the German authorities will be directed to accord to officials of the successor state free access to this documentation and authority to make copies of it.

6) *"Frontalier" Agreements*

In order not to hinder or to interfere suddenly with the presently existing circulation of persons and goods between Germany and the transferred areas, special provisional arrangements granting facilities for border circulation will be concluded between the countries concerned and the Military Governors at the latest by the date of the transfer of the territories.

7) *Public Services*

In the interest of the inhabitants of the attached territories, certain public services, notably electricity, water and gas services, telephone and telegraph services, and means of transport, will continue to be furnished provisionally under normal conditions by the public or private agencies which are presently responsible for them.

Done in Paris, in six copies, on March 22, 1949.

The Delegate of the United States of America

PERRY LAUKHUFF

The Delegate of Belgium

JACQUES DAVIGNON

The Delegate of France

PIERRE DE LEUSSE

The Delegate of the United Kingdom of Great Britain and Northern Ireland	HOOD
The Delegate of Luxembourg	P. MAJERUS
The Delegate of the Netherlands	J. A. RINGERS

COMMUNIQUE

March 26th 1949

It was announced at the conclusion of the London talks on Germany on June 7, 1948, that proposals were being submitted to the Governments of the United States, France, the United Kingdom and the Benelux countries for bringing about provisionally certain minor territorial adjustments in the western boundary of Germany.

The six Governments, taking into account the unforeseen delays to which the conclusion of a final peace settlement with Germany has been subjected, considered it necessary to proceed to a preliminary examination of the problem of the frontiers and to put into effect the minor adjustments justified by administrative necessities and by conditions affecting communications along Germany's western frontier. The problem of Germany's frontiers will be reexamined and settled definitively in its entirety at the time of final peace settlement.

After detailed study, the six governments have approved the proposals for provisional adjustments of the frontier which have been submitted to them by a Working Party meeting in Paris.

The six governments have also examined the frontiers of the Saar territory and have agreed that, pending confirmation or modification by the terms of the final peace settlement, the present frontier shall be maintained with minor modifications.

The areas affected by the adjustments will be placed under the administration of the countries adjacent to Germany.

Those adjustments may be confirmed or modified by the terms of the final settlement concerning Germany.

The London recommendations fixed a very restricted frame of reference for the Working Party. Only those proposals might be examined which involved no appreciable loss to the German economy and which, being of minor character only, could be regarded as desirable to eliminate local anomalies and improve communications. This limited frame of reference did not permit the Working Party to take into consideration certain major territorial claims of Germany's western neighbours.

Within the limits thus defined, thirty-one minor rectifications will be effected, at a date to be announced later, along the frontier between Germany, on the one hand, and the Netherlands, Belgium, Luxembourg, the Saar and

France, on the other. They will affect a total area of approximately 135 square kilometers and a population of some 13,500 persons.

These modifications have been defined in general outline. Their exact limits will be fixed by delimitation commissions. These commissions will make their decisions after having heard, if this appears desirable, the local authorities and persons in the area capable of giving information or explanations necessary for the accomplishment of the Commissions' task.

All measures will be taken with a view to safeguarding the interests of the inhabitants, as regards both their personal status and their movable and real property. No one will be forced to accept the nationality of the country to which the area is attached. Persons not desiring to accept this nationality will enjoy the protection accorded to persons and property by the laws of the country; no discrimination will be exercised against them. They will have the right to settle in Germany, in which case they will be allowed to take with them their movable property, either retaining ownership of their real property or selling it, and being permitted to transfer the proceeds to Germany, under such special regulations as will be prescribed. On the other hand, they will have the right to continue to reside in the area concerned if they so desire.

WHEAT

Agreement opened for signature at Washington March 23, 1949, and signed for the United States March 23, 1949

Senate advice and consent to ratification June 13, 1949

Ratified by the President of the United States June 17, 1949

Acceptance by the United States deposited at Washington June 17, 1949

Entered into force July 1, 1949, with respect to Parts 1, 3, 4, and 5; August 1, 1949, with respect to Part 2

Proclaimed by the President of the United States August 1, 1949

Revised and renewed, with certain modifications, by agreement of April 13, 1953¹

63 Stat. 2173; Treaties and Other International Acts Series 1957

INTERNATIONAL WHEAT AGREEMENT

The Governments parties to this Agreement,

Intending to overcome the serious hardship caused to producers and consumers by burdensome surpluses and critical shortages of wheat, and

Having resolved that it is desirable to conclude an international wheat agreement for this purpose,

Have agreed as follows:

PART 1. GENERAL

ARTICLE I

Objectives

The objectives of this Agreement are to assure supplies of wheat to importing countries and markets for wheat to exporting countries at equitable and stable prices.

ARTICLE II

Definitions

1. For the purposes of this Agreement:

“Advisory Committee on Price Equivalents” means the Committee established under Article XV.

¹ 4 UST 944; TIAS 2799.

“Bushel” means sixty pounds avoirdupois.

“Carrying charges” means the costs incurred for storage, interest and insurance in holding wheat.

“C. & f.” means cost and freight.

“Council” means the International Wheat Council established by Article XIII.

“Crop-year” means the period from August 1 to July 31, except that in Article VII it means in respect of Australia and Uruguay the period from December 1 to November 30 and in respect of the United States of America the period from July 1 to June 30.

“Executive Committee” means the Committee established under Article XIV.

“Exporting country” means, as the context requires, either (i) the Government of a country listed in Annex B to Article III which has accepted or acceded to this Agreement and has not withdrawn therefrom, or (ii) that country itself and the territories in respect of which the rights and obligations of its Government apply under Article XXIII.

“F.a.q.” means fair average quality.

“F.o.b.” means free on board ocean vessel.

“Guaranteed quantity” means in relation to an importing country its guaranteed purchases for a crop-year and in relation to an exporting country its guaranteed sales for a crop-year.

“Importing country” means, as the context requires, either (i) the Government of a country listed in Annex A to Article III which has accepted or acceded to this Agreement and has not withdrawn therefrom, or (ii) that country itself and the territories in respect of which the rights and obligations of its Government apply under Article XXIII.

“International Trade Organization” means the Organization provided for in the Havana Charter, dated March 24, 1948,² or, pending the establishment of that Organization, the Interim Commission established by a resolution adopted by the United Nations Conference on Trade and Employment held in Havana from November 21, 1947 to March 24, 1948.

“Marketing costs” means all usual charges incurred in procurement, marketing, chartering, and forwarding.

“Metric ton” means 36.74371 bushels.

“Old crop wheat” means wheat harvested more than two months prior to the beginning of the current crop-year of the exporting country concerned.

“Territory” in relation to an exporting or importing country includes any territory in respect of which the rights and obligations under this Agreement of the Government of that country apply under Article XXIII.

² Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

“Transaction” means a sale for import into an importing country of wheat exported or to be exported from an exporting country, or the quantity of such wheat so sold, as the context requires. Where reference is made in this Agreement to a transaction between an exporting country and an importing country, it shall be understood to refer not only to transactions between the government of an exporting country and the government of an importing country but also to transactions between private traders and to transactions between a private trader and the government of an exporting or an importing country. In this definition “government” shall be deemed to include the government of any territory in respect of which the rights and obligations of any Government accepting or acceding to this Agreement apply under Article XXIII.

“Unfulfilled guaranteed quantity” means the difference between the quantities entered in the Council’s records in accordance with Article IV in respect of any exporting or importing country for a crop-year and that country’s guaranteed quantity for that crop-year.

“Wheat” includes wheat grain and, except in Article VI, wheat-flour.

2. Seventy-two units by weight of wheat-flour shall be deemed to be equivalent to one hundred units by weight of wheat grain in all calculations relating to guaranteed purchases or guaranteed sales, unless the Council decides otherwise.

PART 2. RIGHTS AND OBLIGATIONS

ARTICLE III

Guaranteed Purchases and Guaranteed Sales

1. The quantities of wheat set out in Annex A to this Article for each importing country represent, subject to any increase or reduction made in accordance with the provisions of Part 3 of this Agreement, the guaranteed purchases of that country for each of the four crop-years covered by this Agreement.

2. The quantities of wheat set out in Annex B to this Article for each exporting country represent, subject to any increase or reduction made in accordance with the provisions of Part 3 of this Agreement, the guaranteed sales of that country for each of the four crop-years covered by this Agreement.

3. The guaranteed purchases of an importing country represent the maximum quantity of wheat which, subject to deduction of the amount of the transactions entered in the Council’s records in accordance with Article IV against those guaranteed purchases,

(a) that importing country may be required by the Council, as provided in Article V, to purchase from the exporting countries at prices consistent with the minimum prices specified in or determined under Article VI, or

(b) the exporting countries may be required by the Council, as provided in Article V, to sell to that importing country at prices consistent with the maximum prices specified in or determined under Article VI.

4. The guaranteed sales of an exporting country represent the maximum quantity of wheat which, subject to deduction of the amount of the transactions entered in the Council's records in accordance with Article IV against those guaranteed sales,

(a) that exporting country may be required by the Council, as provided in Article V, to sell to the importing countries at prices consistent with the maximum prices specified in or determined under Article VI, or

(b) the importing countries may be required by the Council, as provided in Article V, to purchase from that exporting country at prices consistent with the minimum prices specified in or determined under Article VI.

5. If an importing country finds difficulty in exercising its right to purchase its unfulfilled guaranteed quantities at prices consistent with the maximum prices specified in or determined under Article VI or an exporting country finds difficulty in exercising its right to sell its unfulfilled guaranteed quantities at prices consistent with the minimum prices so specified or determined, it may have resort to the procedure in Article V.

6. Exporting countries are under no obligation to sell any wheat under this Agreement unless required to do so as provided in Article V at prices consistent with the maximum prices specified in or determined under Article VI. Importing countries are under no obligation to purchase any wheat under this Agreement unless required to do so as provided in Article V at prices consistent with the minimum prices specified in or determined under Article VI.

7. The quantity, if any, of wheat-flour to be supplied by the exporting country and accepted by the importing country against their respective guaranteed quantities shall, subject to the provisions of Article V, be determined by agreement between the buyer and seller in each transaction.

8. Exporting and importing countries shall be free to fulfill their guaranteed quantities through private trade channels or otherwise. Nothing in this Agreement shall be construed to exempt any private trader from any laws or regulations to which he is otherwise subject.

ANNEX A TO ARTICLE III

Guaranteed Purchases

Crop-year August 1 to July 31	1949/50 1950/51 1951/52 1952/53				Equivalent in bushels for each crop-year
	thousands of metric tons*				
Austria	300	300	300	300	11,023,113
Belgium	550	550	550	550	20,209,040
Bolivia	75	75	75	75	2,755,778
Brazil	360	360	360	360	13,227,736
Ceylon	80	80	80	80	2,939,497
China	200	200	200	200	7,348,742
Colombia	20	20	20	20	734,874
Cuba	202	202	202	202	7,422,229
Denmark	44	44	44	44	1,616,723
Dominican Republic	20	20	20	20	734,874
Ecuador	30	30	30	30	1,102,311
Egypt	190	190	190	190	6,981,305
El Salvador	11	11	11	11	404,181
Greece	428	428	428	428	15,726,308
Guatemala	10	10	10	10	367,437
India	1,042	1,042	1,042	1,042	38,286,946
Ireland	275	275	275	275	10,104,520
Israel	100	100	100	100	3,674,371
Italy	1,100	1,100	1,100	1,100	40,418,081
Lebanon	65	65	65	65	2,388,341
Liberia	1	1	1	1	36,744
Mexico	170	170	170	170	6,246,431
Netherlands**	700	700	700	700	25,720,597
New Zealand	125	125	125	125	4,592,964
Nicaragua	8	8	8	8	293,950
Norway	210	210	210	210	7,716,179
Panama	17	17	17	17	624,643
Paraguay	60	60	60	60	2,204,623
Peru	200	200	200	200	7,348,742
Philippines	196	196	196	196	7,201,767
Portugal	120	120	120	120	4,409,245
Saudi Arabia	50	50	50	50	1,837,185
Sweden	75	75	75	75	2,755,778
Switzerland	175	175	175	175	6,430,149
Union of South Africa	300	300	300	300	11,023,113
United Kingdom	4,819	4,819	4,819	4,819	177,067,938
Venezuela	90	90	90	90	3,306,934
Total (37 countries)	12,418	12,418	12,418	12,418	456,283,389

*Unless the Council decides otherwise, 72 metric tons of wheat-flour shall be deemed equivalent to 100 metric tons of wheat for the purpose of relating quantities of wheat-flour to the quantities specified in this Annex.

**Quantity listed for The Netherlands includes for each crop-year 75,000 metric tons or 2,755,778 bushels for Indonesia.

ANNEX B TO ARTICLE III

Guaranteed Sales

Crop-year August 1 to July 31	1949/50	1950/51	1951/52	1952/53	Equivalent in bushels for each crop-year
	thousands of metric tons*				
Australia	2, 177	2, 177	2, 177	2, 177	80, 000, 000
Canada	5, 527	5, 527	5, 527	5, 527	203, 069, 635
France	90	90	90	90	3, 306, 934
United States of America**	4, 574	4, 574	4, 574	4, 574	168, 069, 635
Uruguay	50	50	50	50	1, 837, 185
Total	12, 418	12, 418	12, 418	12, 418	456, 283, 389

*Unless the Council decides otherwise, 72 metric tons of wheat-flour shall be deemed equivalent to 100 metric tons of wheat for the purpose of relating quantities of wheat-flour to the quantities specified in this Annex.

**In the event of the provisions of Article X being invoked by reason of a short crop it will be recognized that these guaranteed sales do not include the minimum requirements of wheat of any Occupied Area for which the United States of America has, or may assume, supply responsibility, and that the necessity of meeting these requirements will be one of the factors considered in determining the ability of the United States of America to deliver its guaranteed sales under this Agreement.

ARTICLE IV

Recording of Transactions Against Guaranteed Quantities

1. The Council shall keep records for each crop-year of those transactions and parts of transactions in wheat which are part of the guaranteed quantities in Annexes A and B to Article III.

2. A transaction or part of a transaction in wheat grain between an exporting country and an importing country shall be entered in the Council's records against the guaranteed quantities of those countries for a crop-year:

(a) provided that (i) it is at a price not higher than the maximum nor lower than the minimum specified in or determined under Article VI for that crop-year, and (ii) the exporting country and the importing country have not agreed that it shall not be entered against their guaranteed quantities; and

(b) to the extent that (i) both the exporting and the importing country concerned have unfulfilled guaranteed quantities for that crop-year, and (ii) the loading period specified in the transaction falls within that crop-year.

3. If the exporting country and the importing country concerned so agree, a transaction or part of a transaction made under an agreement for the purchase and sale of wheat entered into prior to the entry into force of Part 2 of this Agreement shall, irrespective of price but subject to the conditions in (b) of paragraph 2 of this Article, also be entered in the Council's records against the guaranteed quantities of those countries.

4. If a commercial contract or governmental agreement on the sale and purchase of wheat-flour contains a statement, or if the exporting country and the importing country concerned inform the Council that they are agreed,

that the price of such wheat-flour is consistent with the prices specified in or determined under Article VI, the wheat grain equivalent of such wheat-flour shall, subject to the conditions prescribed in (a) (ii) and (b) of paragraph 2 of this Article, be entered in the Council's records against the guaranteed quantities of those countries. If the commercial contract or governmental agreement does not contain a statement of the nature referred to above and the exporting country and the importing country concerned do not agree that the price of the wheat-flour is consistent with the prices specified in or determined under Article VI, either of those countries may, unless they have agreed that the wheat grain equivalent of that wheat-flour shall not be entered in the Council's records against their guaranteed quantities, request the Council to decide the issue. Should the Council, on consideration of such a request, decide that the price of such wheat-flour is consistent with the prices specified in or determined under Article VI, the wheat grain equivalent of the wheat-flour shall be entered against the guaranteed quantities of the exporting and importing countries concerned, subject to the conditions prescribed in (b) of paragraph 2 of this Article. Should the Council, on consideration of such a request, decide that the price of such wheat-flour is inconsistent with the prices specified in or determined under Article VI, the wheat grain equivalent of the wheat-flour shall not be so entered.

5. The Council shall prescribe rules of procedure, in accordance with the following provisions, for the reporting and recording of transactions which are part of the guaranteed quantities:

(a) Any transaction or part of a transaction, between an exporting country and an importing country, qualifying under paragraph 2, 3, or 4 of this Article to form part of the guaranteed quantities of those countries shall be reported to the Council within such period and in such detail and by one or both of those countries as the Council shall lay down in its rules of procedure.

(b) Any transaction or part of a transaction reported in accordance with the provisions of subparagraph (a) shall be entered in the Council's records against the guaranteed quantities of the exporting country and the importing country between which the transaction is made.

(c) The order in which transactions and parts of transactions shall be entered in the Council's records against the guaranteed quantities shall be prescribed by the Council in its rules of procedure.

(d) The Council shall, within a time to be prescribed in its rules of procedure, notify each exporting country and each importing country of the entry of any transaction or part of a transaction in the Council's records against the guaranteed quantities of that country.

(e) If, within a period which the Council shall prescribe in its rules of procedure, the importing country or the exporting country concerned objects in any respect to the entry of a transaction or part of a transaction in the

Council's records against its guaranteed quantities, the Council shall review the matter and, if it decides that the objection is well founded, shall amend its records accordingly.

(f) If any exporting or importing country considers it probable that the full amount of wheat already entered in the Council's records against its guaranteed quantity for the current crop-year will not be loaded within that crop-year, that country may request the Council to make appropriate reductions in the amounts entered in its records. The Council shall consider the matter and, if it decides that the request is justified, shall amend its records accordingly.

(g) Any wheat purchased by an importing country from an exporting country and resold to another importing country may, by agreement of the importing countries concerned, be entered against the unfulfilled guaranteed purchases of the importing country to which the wheat is finally resold provided that a corresponding reduction is made in the amount entered against the guaranteed purchases of the first importing country.

(h) The Council shall send to all exporting and importing countries, weekly or at such other interval as the Council may prescribe in its rules of procedure, a statement of the amounts entered in its records against guaranteed quantities.

(i) The Council shall notify all exporting and importing countries immediately when the guaranteed quantity of any exporting or importing country for any crop-year has been fulfilled.

6. Each exporting country and each importing country may be permitted, in the fulfillment of its guaranteed quantities, a degree of tolerance to be prescribed by the Council for that country on the basis of the size of its guaranteed quantities and other relevant factors.

ARTICLE V

Enforcement of Rights

1. (a) Any importing country which finds difficulty in purchasing its unfulfilled guaranteed quantity for any crop year at prices consistent with the maximum prices specified in or determined under Article VI may request the Council's help in making the desired purchases.

(b) Within three days of the receipt of a request under subparagraph (a) the Secretary of the Council shall notify those exporting countries which have unfulfilled guaranteed quantities for the relevant crop-year of the amount of the unfulfilled guaranteed quantity of the importing country which has requested the Council's help and invite them to offer to sell wheat at prices consistent with the maximum prices specified in or determined under Article VI.

(c) If within fourteen days of the notification by the Secretary of the Council under subparagraph (b) the whole of the unfulfilled guaranteed

quantity of the importing country concerned, or such part thereof as in the opinion of the Council is reasonable at the time the request is made, has not been offered for sale, the Council, having regard to any circumstances which the exporting and the importing countries may wish to submit for consideration and in particular to the industrial programs of any country as well as to the normal traditional volume and ratio of imports of wheat-flour and wheat grain imported by the importing country concerned, shall, within seven days, decide the quantities, and also if requested to do so the quality and grade, of wheat grain and/or wheat-flour which it is appropriate for each or any of the exporting countries to sell to that importing country for loading during the relevant crop-year.

(d) Each exporting country required by the Council's decision under subparagraph (c) to offer quantities of wheat grain and/or wheat-flour for sale to the importing country shall, within thirty days from the date of that decision, offer to sell those quantities to such importing country for loading during the relevant crop-year at prices consistent with the maximum prices specified in or determined under Article VI and, unless those countries agree otherwise, on the same conditions regarding the currency in which payment is to be made as prevail generally between them at that time. If no trade relations have hitherto existed between the exporting country and the importing country concerned and if those countries fail to agree on the currency in which payment is to be made, the Council shall decide the issue.

(e) In case of disagreement between an exporting country and an importing country on the quantity of wheat-flour to be included in a particular transaction being negotiated in compliance with the Council's decision under subparagraph (c), or on the relation of the price of such wheat-flour to the maximum prices of wheat grain specified in or determined under Article VI, or on the conditions on which the wheat grain and/or wheat-flour shall be brought and sold, the matter shall be referred to the Council for decision.

2. (a) Any exporting country which finds difficulty in selling its unfulfilled guaranteed quantity for any crop-year at prices consistent with the minimum prices specified in or determined under Article VI may request the Council's help in making the desired sales.

(b) Within three days of the receipt of a request under subparagraph (a) the Secretary of the Council shall notify those importing countries which have unfulfilled guaranteed quantities for the relevant crop-year of the amount of the unfulfilled guaranteed quantity of the exporting country which has requested the Council's help and invite them to offer to purchase wheat at prices consistent with the minimum prices specified in or determined under Article VI.

(c) If within fourteen days of the notification by the Secretary of the Council under subparagraph (b) the whole of the unfulfilled guaranteed

quantity of the exporting country concerned, or such part thereof as in the opinion of the Council is reasonable at the time the request is made, has not been purchased, the Council, having regard to any circumstances which the exporting and the importing countries may wish to submit for consideration and in particular to the industrial programs of any country as well as to the normal traditional volume and ratio of imports of wheat-flour and wheat grain imported by the importing countries concerned, shall, within seven days, decide the quantities, and also if requested to do so the quality and grade, of wheat grain and/or wheat-flour which it is appropriate for each or any of the importing countries to purchase from that exporting country for loading during the relevant crop-year.

(d) Each importing country required by the Council's decision under subparagraph (c) to offer to purchase quantities of wheat grain and/or wheat-flour from the exporting country shall, within thirty days from the date of that decision, offer to purchase those quantities from such exporting country for loading during the relevant crop-year at prices consistent with the minimum prices specified in or determined under Article VI and, unless those countries agree otherwise, on the same conditions regarding the currency in which payment is to be made as prevail generally between them at that time. If no trade relations have hitherto existed between the exporting country and the importing country concerned and if those countries fail to agree on the currency in which payment is to be made, the Council shall decide the issue.

(e) In case of disagreement between an exporting country and an importing country on the quantity of wheat-flour to be included in a particular transaction being negotiated in compliance with the Council's decision under subparagraph (c), or on the relation of the price of such wheat-flour to the minimum prices of wheat grain specified in or determined under Article VI, or on the conditions on which the wheat grain and/or wheat-flour shall be bought and sold, the matter shall be referred to the Council for decision.

ARTICLE VI

Prices

1. The basic minimum and maximum prices for the duration of this Agreement shall be:

Crop-year	Minimum	Maximum
1949/50	\$1. 50	\$1. 80
1950/51	\$1. 40	\$1. 80
1951/52	\$1. 30	\$1. 80
1952/53	\$1. 20	\$1. 80

Canadian currency per bushel at the parity for the Canadian dollar, determined for the purposes of the International Monetary Fund as at March 1, 1949 for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur. The basic minimum and maximum prices, and the equivalents

thereof hereafter referred to, shall exclude such carrying charges and marketing costs as may be agreed between the buyer and the seller.

2. The equivalent maximum prices for bulk wheat for:

(a) No. 1 Manitoba Northern wheat in store Vancouver shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph 1 of this Article;

(b) f.a.q. wheat f.o.b. Australia, sample wheat of France (minimum natural weight seventy-six kilograms per hectolitre; minimum protein content ten per cent; maximum dockage and moisture content two per cent and fifteen per cent respectively) f.o.b. French ports, and f.a.q. top grade wheat f.o.b. Uruguay, shall be whichever is the lower of:

(i) the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph 1 of this Article converted into the currency of Australia, France, or Uruguay, as the case may be, at the prevailing rate of exchange, or

(ii) the price f.o.b. Australia, France, or Uruguay, as the case may be, equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph 1 of this Article, computed by using currently prevailing transportation costs and exchange rates and, in those importing countries where a quality differential is recognized, by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

(c) No. 1 Hard Winter wheat f.o.b. Gulf/Atlantic ports of the United States of America shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph 1 of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned; and

(d) No. 1 Soft White wheat or No. 1 Hard Winter wheat in store Pacific ports of the United States of America shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph 1 of this Article, computed by using the prevailing rate of exchange and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned.

3. The equivalent minimum price for bulk wheat for:

(a) No. 1 Manitoba Northern wheat f.o.b. Vancouver,

(b) f.a.q. wheat f.o.b. Australia,

(c) sample wheat of France (minimum natural weight seventy-six kilograms per hectolitre; minimum protein content ten per cent; maximum dock-

age and moisture content two per cent and fifteen per cent respectively) f.o.b. French ports,

(d) f.a.q. top grade wheat f.o.b. Uruguay,

(e) No. 1 Hard Winter wheat f.o.b. Gulf/Atlantic ports of the United States of America, and

(f) No. 1 Soft White wheat or No. 1 Hard Winter wheat f.o.b. Pacific ports of the United States of America,

shall be respectively:

the f.o.b. prices Vancouver, Australia, France, Uruguay, United States of America Gulf/Atlantic ports and the United States of America Pacific ports equivalent to the c. & f. prices in the United Kingdom of Great Britain and Northern Ireland of the minimum prices for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph 1 of this Article, computed by using currently prevailing transportation costs and exchange rates and, in those importing countries where a quality differential is recognized, by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned.

4. The Executive Committee may, in consultation with the Advisory Committee on Price Equivalents, at any date subsequent to August 1, 1949 designate any description of wheat other than those specified in paragraphs 2 and 3 above and determine the minimum and maximum price equivalents thereof; provided that in the case of any other description of wheat the price equivalent of which has not yet been determined, the minimum and maximum prices for the time being shall be derived from the minimum and maximum prices of the description of wheat specified in this Article, or subsequently designated by the Executive Committee in consultation with the Advisory Committee on Price Equivalents, which is most closely comparable to such other description, by the addition of an appropriate premium or by the deduction of an appropriate discount.

5. If any exporting or importing country represents to the Executive Committee that any price equivalent established under paragraph 2, 3, or 4 of this Article is, in the light of current transportation or exchange rates or market premiums or discounts, no longer fair, the Executive Committee shall consider the matter and may, in consultation with the Advisory Committee on Price Equivalents, make such adjustment as it considers desirable.

6. If a dispute arises as to what premium or discount is appropriate for the purposes of paragraphs 4 and 5 of this Article in respect of any description of wheat specified in paragraph 2 or 3 or designated under paragraph 4 of this Article, the Executive Committee, in consultation with the Advisory Committee on Price Equivalents, shall on the request of the exporting or importing country concerned decide the issue.

7. All decisions of the Executive Committee under paragraphs 4, 5, and 6 of this Article shall be binding on all exporting and importing countries, provided that any of those countries which considers that any such decision is disadvantageous to it may ask the Council to review that decision.

8. In order to encourage and expedite the conclusion of transactions in wheat between them at prices mutually acceptable in the light of all the circumstances, the exporting and importing countries, while reserving to themselves complete liberty of action in the determination and administration of their internal agricultural and price policies, shall endeavor not to operate those policies in such a way as to impede the free movement of prices between the maximum price and the minimum price in respect of transactions in wheat into which the exporting and importing countries are prepared to enter. Should any exporting or importing country consider that it is suffering hardship as the result of such policies, it may draw the attention of the Council to the matter and the Council shall inquire into and make a report on the complaint.

ARTICLE VII

Stocks

1. In order to assure supplies of wheat to importing countries, each exporting country shall endeavor to maintain stocks of old crop wheat at the end of its crop-year at a level adequate to ensure that it will fulfill its guaranteed sales under this Agreement in each subsequent crop-year.

2. In the event of a short crop being harvested by an exporting country, particular consideration shall be given by the Council to the efforts made by that exporting country to maintain adequate stocks as required by paragraph 1 of this Article before that country is relieved of any of its obligations under Article X.

3. In order to avoid disproportionate purchases of wheat at the beginning and end of a crop-year, which might prejudice the stabilization of prices under this Agreement and render difficult the fulfillment of the obligations of all exporting and importing countries, importing countries shall endeavor to maintain adequate stocks at all times.

4. In the event of an appeal by an importing country under Article XII, particular consideration shall be given by the Council to the efforts made by that importing country to maintain adequate stocks as required by paragraph 3 of this Article before it decides in favor of such an appeal.

ARTICLE VIII

Information to be Supplied to the Council

The exporting and importing countries shall report to the Council, within the time prescribed by it, such information as the Council may request in connection with the administration of this Agreement.

PART 3. ADJUSTMENT OF GUARANTEED QUANTITIES

ARTICLE IX

Adjustments in Case of Nonparticipation or Withdrawal of Countries

1. In the event of any difference occurring between the total of the guaranteed purchases in Annex A to Article III and the total of the guaranteed sales in Annex B to Article III as a result of any country or countries listed in Annex A or Annex B (a) not signing or (b) not depositing an instrument of acceptance or (c) withdrawing under paragraph 5, 6, or 7 of Article XXII from or (d) being expelled under Article XIX from or (e) being found by the Council under Article XIX to be in default of the whole or part of its guaranteed quantities under this Agreement, the Council shall, without prejudice to the right of any country to withdraw from this Agreement under paragraph 6 of Article XXII, adjust the remaining guaranteed quantities so as to make the total in the one Annex equal to the total in the other Annex.

2. The adjustment under this Article shall, unless the Council decides otherwise by two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries, be made by reducing pro rata the guaranteed quantities in Annex A or Annex B, as the case may be, by the amount necessary to make the total in the one Annex equal to the total in the other Annex.

3. In making adjustments under this Article, the Council shall keep in mind the general desirability of maintaining the total guaranteed purchases and the total guaranteed sales at the highest possible level.

ARTICLE X

Adjustment in Case of Short Crop or Necessity to Safeguard Balance of Payments or Monetary Reserves

1. Any exporting or importing country which fears that it may be prevented, by a short crop in the case of an exporting country or the necessity to safeguard its balance of payments or monetary reserves in the case of an importing country, from carrying out its obligations under this Agreement in respect of a particular crop-year shall report the matter to the Council.

2. If the matter reported relates to balance of payments or monetary reserves, the Council shall seek and take into account, together with all facts which it considers relevant, the opinion of the International Monetary Fund, as far as the matter concerns a country which is a member of the Fund, on the existence and extent of the necessity referred to in paragraph 1 of this Article.

3. The Council shall discuss with the reporting country the matter reported under paragraph 1 of this Article and shall decide whether such country's representations are well founded. If it finds that they are well founded, it shall decide whether and to what extent and on what conditions the reporting

country shall be relieved of its guaranteed quantity for the crop-year concerned. The Council shall inform the reporting country of its decision.

4. If the Council decides that the reporting country shall be relieved of the whole or part of its guaranteed quantity for the crop-year concerned, the following procedure shall apply:

(a) The Council shall, if the reporting country is an importing country, invite the other importing countries, or, if the reporting country is an exporting country, invite the other exporting countries, to increase their guaranteed quantities for the crop-year concerned up to the amount of the guaranteed quantity of which the reporting country is relieved; provided that an increase in the guaranteed quantities of an exporting country shall require approval by the Council by two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries if any importing country, within such period as the Council shall prescribe, objects to such increase on the ground that it will have the effect of making the balance of payments problems of that importing country more difficult.

(b) If the amount of which the importing country is relieved cannot be fully offset in the manner provided in (a) of this paragraph, the Council shall invite the exporting countries, if the reporting country is an importing country, or the importing countries, if the reporting country is an exporting country, to accept a reduction of their guaranteed quantities for the crop-year concerned up to the amount of the guaranteed quantity of which the reporting country is relieved, after taking account of any adjustments made under (a) of this paragraph.

(c) If the total offers received by the Council from the exporting and importing countries to increase their guaranteed quantities under (a) of this paragraph or to reduce their guaranteed quantities under (b) of this paragraph exceed the amount of the guaranteed quantity of which the reporting country is relieved, their guaranteed quantities shall, unless the Council decides otherwise, be increased or reduced, as the case may be, on a pro rata basis, provided that the increase or reduction of the guaranteed quantity of any such country shall not exceed its offer.

(d) If the amount of the guaranteed quantity of which the reporting country is relieved cannot be fully offset in the manner provided in (a) and (b) of this paragraph, the Council shall reduce the guaranteed quantities in Annex A to Article III, if the reporting country is an exporting country, or in Annex B to Article III, if the reporting country is an importing country, for the crop-year concerned by the amount necessary to make the total in the one Annex equal to the total in the other Annex. Unless the exporting countries, in the case of a reduction in Annex B, or the importing countries, in the case of a reduction in Annex A, agree otherwise, the reduction shall be made on a pro

rata basis, account being taken of any reduction already made under (b) of this paragraph.

ARTICLE XI

Increase of Guaranteed Quantities by Consent

The Council may at any time, upon request by an exporting or importing country, approve an increase in the figures in one Annex for the remaining period of this Agreement if an equal increase is made in the other Annex for that period, provided that the exporting and importing countries whose figures would thereby be changed consent.

ARTICLE XII

Additional Purchases in Case of Critical Need

In order to meet a critical need which has arisen or threatens to arise in its territory, an importing country may appeal to the Council for assistance in obtaining supplies of wheat in addition to its guaranteed purchases. On consideration of such an appeal the Council may reduce pro rata the guaranteed quantities of the other importing countries in order to provide the quantity of wheat which it determines to be necessary to relieve the emergency created by the critical need, provided that it considers that such emergency cannot be met in any other manner. Two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries shall be required for any reduction of guaranteed purchases under this paragraph.

PART 4. ADMINISTRATION

ARTICLE XIII

The Council

A. Constitution

1. An International Wheat Council is hereby established to administer this Agreement.
2. Each exporting country and each importing country shall be a voting member of the Council and may be represented at its meetings by one delegate, one alternate, and advisers.
3. Any country which the Council recognizes as an irregular exporter or an irregular importer of wheat may become a non-voting member of the Council, provided that it accepts the obligations prescribed in Article VIII and agrees to pay such membership fees as shall be determined by the Council. Each country which is a non-voting member of the Council shall be entitled to have one representative at its meetings.

4. The Food and Agriculture Organization of the United Nations, the International Trade Organization, the Interim Coordinating Committee for International Commodity Arrangements, and such other intergovernmental organizations as the Council may decide, shall each be entitled to have one non-voting representative at meetings of the Council.

5. The Council shall elect for each crop-year a Chairman and a Vice Chairman.

B. *Powers and Functions*

6. The Council shall establish its rules of procedure.

7. The Council shall keep such records as are required by the terms of this Agreement and may keep such other records as it considers desirable.

8. The Council shall publish an annual report and may publish any other information concerning matters within the scope of this Agreement.

9. The Council, after consultation with the International Wheat Council established under the Memorandum of Agreement approved in June 1942³ and amended in June 1946,⁴ may take over the records, assets and liabilities of that body.

10. The Council shall have such other powers and perform such other functions as it may deem necessary to carry out the terms of this Agreement.

11. The Council may, by two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries, delegate the exercise of any of its powers or functions. The Council may at any time revoke such delegation by a majority of the votes cast. Any decision made under any powers or functions delegated by the Council in accordance with this paragraph shall be subject to review by the Council at the request of any exporting or importing country made within a period which the Council shall prescribe. Any decision, in respect of which no request for review has been made within the prescribed period, shall be binding on all exporting and importing countries.

C. *Voting*

12. The importing countries shall hold 1,000 votes, which shall be distributed between them in the proportions which their respective guaranteed purchases for the current crop-year bear to the total of the guaranteed purchases for that crop-year. The exporting countries shall also hold 1,000 votes, which shall be distributed between them in the proportions which their respective guaranteed sales for the current crop-year bear to the total of the guaranteed sales for that crop-year. No exporting country or importing

³ EAS 384, *ante*, vol. 3, p. 704. The memorandum of agreement was initialed Apr. 22, 1942, and entered into force June 27, 1942.

⁴ TIAS 1540, *ante*, p. 70.

country shall have less than one vote and there shall be no fractional votes.

13. The Council shall redistribute the votes in accordance with the provisions of paragraph 12 of this Article whenever there is any change in the guaranteed purchases or guaranteed sales for the current crop-year.

14. If an exporting or an importing country forfeits its votes under paragraph 5 of Article XVII or is deprived of its votes under paragraph 3 of Article XIX, the Council shall redistribute the votes as if that country had no guaranteed quantity for the current crop-year.

15. Except where otherwise specified in this Agreement, decisions of the Council shall be by a majority of the total votes cast.

16. Any exporting country may authorize any other exporting country, and any importing country may authorize any other importing country, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Evidence of such authorization satisfactory to the Council shall be submitted to the Council.

D. *Sessions*

17. The Council shall meet at least once during each half of each crop-year and at such other times as the Chairman may decide.

18. The Chairman shall convene a Session of the Council of so requested by (a) any five delegates of the exporting and importing countries or (b) the delegate or delegates of any of the exporting and importing countries holding a total of not less than ten per cent of the total votes or (c) the Executive Committee.

E. *Quorum*

19. The presence of delegates with a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries shall be necessary to constitute a quorum at any meeting of the Council.

F. *Seat*

20. The Council shall select in July 1949 its temporary seat. The Council shall select, so soon as it deems the time propitious, its permanent seat after consultation with the appropriate organs and specialized agencies of the United Nations.

G. *Legal Capacity*

21. The Council shall have in the territory of each exporting and importing country such legal capacity as may be necessary for the exercise of its functions under this Agreement.

H. *Decisions*

22. Each exporting and importing country undertakes to accept as binding all decisions of the Council under the provisions of this Agreement.

ARTICLE XIV

Executive Committee

1. The Council shall establish an Executive Committee. The members of the Executive Committee shall be three exporting countries elected annually by the exporting countries and not more than seven importing countries elected annually by the importing countries. The Council shall appoint the Chairman of the Executive Committee and may appoint a Vice Chairman.

2. The Executive Committee shall be responsible to and work under the general direction of the Council. It shall have such powers and functions as are expressly assigned to it under this Agreement and such other powers and functions as the Council may delegate to it under paragraph 11 of Article XIII.

3. The exporting countries on the Executive Committee shall have the same total number of votes as the importing countries. The votes of the exporting countries shall be divided among them as they shall decide, provided that no exporting country shall have more than forty per cent of the total votes of the exporting countries. The votes of the importing countries shall be divided among them as they shall decide, provided that no importing country shall have more than forty per cent of the total votes of the importing countries.

4. The Council shall prescribe rules of procedure regarding voting in the Executive Committee, and may make such other provisions regarding rules of procedure in the Executive Committee as it thinks fit. A decision of the Executive Committee shall require the same majority of votes as this Agreement prescribes for the Council when making a decision on a similar matter.

5. Any exporting or importing country which is not a member of the Executive Committee may participate, without voting, in the discussion of any question before the Executive Committee whenever the latter considers that the interests of that country are affected.

ARTICLE XV

Advisory Committee on Price Equivalents

The Council shall establish an Advisory Committee on Price Equivalents consisting of representatives of three exporting countries and of three importing countries. The Committee shall advise the Council and the Executive Committee on the matters referred to in paragraphs 4, 5, and 6 of Article VI and on such other questions as the Council or the Executive Committee may refer to it. The Chairman of the Committee shall be appointed by the Council.

ARTICLE XVI

The Secretariat

1. The Council shall have a Secretariat consisting of a Secretary and such staff as may be required for the work of the Council and of its committees.
2. The Council shall appoint the Secretary and determine his duties.
3. The staff shall be appointed by the Secretary in accordance with regulations established by the Council.

ARTICLE XVII

Finance

1. The expenses of delegations to the Council, of representatives on the Executive Committee, and of representatives on the Advisory Committee on Price Equivalents shall be met by their respective Governments. The other expenses necessary for the administration of this Agreement, including those of the Secretariat and any remuneration which the Council may decide to pay to its Chairman or its Vice Chairman, shall be met by annual contributions from the exporting and importing countries. The contribution of each such country for each crop-year shall be proportionate to the number of votes held by it when the budget for that crop-year is settled.
2. At its first Session, the Council shall approve its budget for the period ending July 31, 1950 and assess the contribution to be paid by each exporting and importing country.
3. The Council shall, at its first Session during the second half of each crop-year, approve its budget for the following crop-year and assess the contribution to be paid by each exporting and importing country for that crop-year.
4. The initial contribution of any exporting or importing country acceding to this Agreement under Article XXI shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current crop-year, but the assessments made upon other exporting and importing countries for the current crop-year shall not be altered.
5. Contributions shall be payable immediately upon assessment. Any exporting or importing country failing to pay its contribution within one year of its assessment shall forfeit its voting rights until its contribution is paid, but shall not be deprived of its other rights nor relieved of its obligations under this Agreement. In the event of any exporting or importing country forfeiting its voting rights under this paragraph its votes shall be redistributed as provided in paragraph 14 of Article XIII.
6. The Council shall, each crop-year, publish an audited statement of its receipts and expenditures in the previous crop-year.
7. The government of the country where the temporary or permanent seat of the Council is situated shall grant exemption from taxation on the

salaries paid by the Council to its employees except that such exemption need not apply to the nationals of that country.

8. The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets upon the termination of this Agreement.

ARTICLE XVIII

Cooperation With Other Intergovernmental Organizations

1. The Council shall make whatever arrangements are required for consultation and cooperation with the appropriate organs of the United Nations and its specialized agencies and with other intergovernmental organizations.

2. If the Council finds that any terms of this Agreement are materially inconsistent with such requirements as may be laid down by the United Nations or through its appropriate organs and specialized agencies regarding intergovernmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Agreement and the procedure prescribed in paragraphs 3, 4, and 5 of Article XXII shall be applied.

ARTICLE XIX

Disputes and Complaints

1. Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation and any complaint that any exporting or importing country has failed to fulfill its obligations under this Agreement, shall, at the request of any exporting or importing country party to the dispute or making the complaint, be referred to the Council which shall make a decision on the matter.

2. No exporting or importing country shall be found to have committed a breach of this Agreement except by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries. Any finding that an exporting or importing country is in breach of this Agreement shall specify the nature of the breach and, if the breach involves default by that country in its guaranteed quantities, the extent of such default.

3. If the Council finds that an exporting country or an importing country has committed a breach of this Agreement, it may, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, deprive the country concerned of its voting rights until it fulfills its obligations or expel that country from the Agreement.

4. If any exporting or importing country is deprived of its votes under this Article, the votes shall be redistributed as provided in paragraph 14 of Article XIII. If any exporting or importing country is found in default of the whole or part of its guaranteed quantities or is expelled from this Agreement, the remaining guaranteed quantities shall be adjusted as provided in Article IX.

PART 5. FINAL PROVISIONS

ARTICLE XX

Signature, Acceptance, and Entry into Force

1. This Agreement shall be open for signature in Washington until April 15, 1949 by the Governments of the countries listed in Annex A and Annex B to Article III.

2. This Agreement shall be subject to acceptance by signatory Governments in accordance with their respective constitutional procedures. Subject to the provisions of paragraph 4 of this Article, instruments of acceptance shall be deposited with the Government of the United States of America not later than July 1, 1949.

3. Provided that the Governments of countries listed in Annex A to Article III responsible for not less than seventy per cent of the guaranteed purchases and the Governments of countries listed in Annex B to Article III responsible for not less than eighty per cent of the guaranteed sales have accepted this Agreement by July 1, 1949, Parts 1, 3, 4, and 5 of the Agreement shall enter into force on July 1, 1949 between those Governments which have accepted it. The Council shall fix a date which shall not be later than September 1, 1949 on which Part 2 of this Agreement shall enter into force between those Governments which have accepted it.

4. Any signatory Government which has not accepted this Agreement by July 1, 1949 may be granted by the Council an extension of time after that date for depositing its instrument of acceptance. Parts 1, 3, 4, and 5 of this Agreement shall enter into force for that Government on the date of the deposit of its instrument of acceptance, and Part 2 of the Agreement shall enter into force for that Government on the date fixed under paragraph 3 of this Article for the entry into force of that Part.

5. The Government of the United States of America will notify all signatory Governments of each signature and acceptance of this Agreement.

ARTICLE XXI

Accession

The Council may, by two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries, approve accession to this Agreement by any Government not already a party to it and prescribe conditions for such accession. Accession shall be effected by depositing an instrument of accession with the Government of the United States of America, which will notify all signatory and acceding Governments of each such accession.

ARTICLE XXII

Duration, Amendment, Withdrawal and Termination

1. This Agreement shall remain in force until July 31, 1953.
2. The Council shall, not later than July 31, 1952, communicate to the exporting and importing countries its recommendations regarding the renewal of this Agreement.
3. If circumstances arise which, in the opinion of the Council, affect or threaten to affect adversely the operation of this Agreement, the Council may, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, recommend an amendment of this Agreement to the exporting and importing countries.
4. The Council may fix a time within which each exporting and importing country shall notify the Government of the United States of America whether or not it accepts the amendment. The amendment shall become effective upon its acceptance by exporting countries which hold two-thirds of the votes of the exporting countries and by importing countries which hold two-thirds of the votes of the importing countries.
5. Any exporting or importing country which has not notified the Government of the United States of America of its acceptance of an amendment by the date on which such amendment becomes effective may, after giving such written notice of withdrawal to the Government of the United States of America as the Council may require in each case, withdraw from this Agreement at the end of the current crop-year, but shall not thereby be released from any obligations under this Agreement which have not been discharged by the end of that crop-year.
6. Any exporting country which considers its interests to be seriously prejudiced by the nonparticipation in or withdrawal from this Agreement of any country listed in Annex A to Article III responsible for more than five per cent of the guaranteed quantities in that Annex, or any importing country which considers its interests to be seriously prejudiced by the nonparticipation in or withdrawal from the Agreement of any country listed in Annex B to Article III responsible for more than five per cent of the guaranteed quantities in that Annex, may withdraw from this Agreement by giving written notice of withdrawal to the Government of the United States of America before September 1, 1949 or such earlier date as the Council may fix by two-thirds of the votes cast by the exporting countries and by two-thirds of the votes cast by the importing countries.
7. Any exporting or importing country which considers its national security to be endangered by the outbreak of hostilities may withdraw from this Agreement by giving thirty days' written notice of withdrawal to the Government of the United States of America.

8. The Government of the United States of America will inform all signatory and acceding Governments of each notification and notice received under this Article.

ARTICLE XXIII

Territorial Application

1. Any Government may, at the time of signature or acceptance of or accession to this Agreement, declare that its rights and obligations under the Agreement shall not apply in respect of all or any of the overseas territories for the foreign relations of which it is responsible.

2. With the exception of territories in respect of which a declaration has been made in accordance with paragraph 1 of this Article, the rights and obligations of any Government under this Agreement shall apply in respect of all territories for the foreign relations of which that Government is responsible.

3. Any Government may, at any time after its acceptance of or accession to this Agreement, by notification to the Government of the United States of America, declare that its rights and obligations under the Agreement shall apply in respect of all or any of the territories regarding which it has made a declaration in accordance with paragraph 1 of this Article.

4. Any Government may, by giving notification of withdrawal to the Government of the United States of America, withdraw from this Agreement separately in respect of all or any of the overseas territories for whose foreign relations it is responsible.

5. The Government of the United States of America will inform all signatory and acceding Governments of any declaration or notification made under this Article.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

Done at Washington, this twenty-third day of March 1949, in the English and French languages, both texts being equally authentic, the original to be deposited in the archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding Government.

For Australia:		
EDWIN MCCARTHY		Mar. 23rd, 1949
For Austria:		
L. KLEINWAECHTER		March 23rd, 1949
For Belgium:		
SILVERCRUYS		March 23rd, 1949
For Bolivia:		
R. MARTINÉZ VARGAS		April 13/49

For Brazil:		
	WALDER LIMA SARMANHO	March 25th, 1949
For Canada:		
	CHARLES F. WILSON	March 23, 1949
For Ceylon:		
	G. C. S. COREA	March 23, 1949
For China:		
	V. K. WELLINGTON KOO	March 23, 1949
For Colombia:		
	E. GALLEGO	March 23, 1949
For Cuba:		
	R. SARABASA	March 23, 1949
For Denmark:		
	A. F. KNUDSEN	March 23, 1949
For the Dominican Republic:		
	JOAQUIN E. SALAZAR	March 23, 1949
For Ecuador:		
	A. DILLON	April 14, 1949
For Egypt:		
	A. HASSAN	March 23rd, 1949
For El Salvador:		
	SALVADOR JAUREGUI	March 23rd, 1949
For France:		
	H. BONNET	March 23, 1949
For Greece:		
	COSTAS P. CARANICAS	March 23d, 1949
For Guatemala:		
	I. GONZÁLEZ ARÉVALO	March 23, 1949
For India:		
	N. G. ABHYANKAR	March 23rd, 1949
	R. R. SAKSENA	March 23, 1949
For Ireland:		
	TIMOTHY O'CONNELL	March 23d, 1949
For Israel:		
	L. SAMUEL	March 23, 1949
	ARTHUR C. A. LIVERHANT	March 23/1949
For Italy:		
	ALBERTO TARCHIANI	March 23rd, 1949
For Lebanon:		
	EMILE MATTAR	March 23, 1949
For Liberia:		
	W. R. TOLBERT	March 23, 1949
For Mexico:		
	C. M. CINTA	April 15th, 1949

For the Netherlands:		
J. B. RITZEMA VAN IKEMA		March 23, 1949
For New Zealand:		
R. W. MARSHALL		25th March, 1949
For Nicaragua:		
ALFREDO J. SACASA		March 23, 1949
For Norway:		
WILHELM MUNTHE MORGENSTIERNE		April 13th, 1949
For Panama:		
O. A. VALLARINO		April 12th, 1949
For Paraguay:		
For Peru:		
Subject to the reservation that the guaranteed purchases in the case of Peru, specified in Annex A to Article III, shall be changed from 200.000 to 150.000 metric tons.		
C. DONAYRE		April 15, 1949
For the Republic of the Philippines:		
EMILIO ABELLO		March 23, 1949
URBANO A. ZAFRA		March 23, 1949
JUSTINIANO D. QUIRINO		March 23, 1949
For Portugal:		
ANTONIO FERREIRA D'ALMEIDA		March 23, 1949
For Saudi Arabia:		
AHMED ABDUL JABBAR		March 23, 1949
For Sweden:		
A. AMINOFF		April 11, 1949
For Switzerland:		
WERNER FUCHSS		April 11, 1949
For the Union of South Africa:		
W. A. HORROCKS		March 23rd, 1949
For the United Kingdom of Great Britain and Northern Ireland:		
F. S. ANDERSON		March 23rd, 1949
For the United States of America:		
CHARLES F. BRANNAN		March 23, 1949
ALBERT J. LOVELAND		Mar. 23, 1949
For Uruguay:		
JUAN FELIPE YRIART		March 23, 1949
For Venezuela:		
Sant E. VERA		April 12, 1949

GERMANY: REPARATION

Agreement signed at London March 31, 1949; amendment of June 22, 1949

Agreement confirmed and approved by the Foreign Ministers of the United States, France, and the United Kingdom April 8, 1949¹

Entered into force April 8, 1949

63 Stat. 2901; Treaties and Other
International Acts Series 2142

RECOMMENDATION CONCERNING THE RETENTION IN GERMANY OR REMOVAL AS REPARATIONS OF THE GERMAN INDUSTRIAL PLANTS LISTED BY THE HUMPHREY COMMITTEE²

We, the undersigned, recommend to our respective Governments that the United States, French, and United Kingdom Military Governors be instructed in accordance with the terms of the attached statement, which is drawn up in the English and French languages.

L. W. DOUGLAS
*United States
Delegation*

R. MASSIGLI
*French
Delegation*

I. KIRKPATRICK
*United Kingdom
Delegation*

31st March, 1949

STATEMENT CONCERNING THE RETENTION IN GERMANY OR REMOVAL AS REPARATIONS OF THE GERMAN INDUSTRIAL PLANTS LISTED BY THE HUMPHREY COMMITTEE

The Governments of France, the United Kingdom and the United States agree that of the 167 plants reviewed and to which reference is made in the Note of the United States Government of 25th January, 1949,³ the following plants shall be dismantled and removed for reparations, and all others shall be retained in Germany on the grounds that

¹ TIAS 2066, *post*, p. 832.

² An Industrial Advisory Committee, appointed by the Administrator of the U.S. Economic Cooperation Administration and headed by George M. Humphrey, made a study of 381 industrial plants scheduled for removal from Germany and submitted a report on Jan. 12, 1949, recommending the retention in Germany of certain equipment in 167 of these plants.

³ Not printed.

in their present location they will more effectively contribute to European Recovery.

STEEL

1. CIND 1320 Bochumer Verein Gusstahlfabrik Bochum.
2. CIND 1324 August Thyssenhütte, Hamborn. (The facilities for ore sintering and power generation where not dependent on blast furnace gas are, however, to be retained in Germany).
3. CIND 1327 Deutsche Edelstahlwerke (Tiegelstahl), Bochum.
4. CIND 1342 Klöckner Werke A. G. Düsseldorf.
5. CIND 1344 August Thyssen Hütte, A. G. Niederrheinische, Duisburg.
6. CIND 1663 Hoesch A. G., Hohenlimburg.

CHEMICALS

7. CIND 2062 I. G. Farben, Ludwigshafen.
8. CIND 2076 I. G. Farben, Oppau.
9. CIND 2042 I. G. Farben, Ludwigshafen.

AMENDMENT

Under CHEMICALS Serial 7

Delete CIND 2062 etc.

Insert part of CIND 2062 I. G. Farben, RHEINFELDEN and part of CIND 2062 (b) I. G. Farben, LUDWIGSHAFEN.

22nd June, 1949

NORTH ATLANTIC TREATY

Signed at Washington April 4, 1949

Senate advice and consent to ratification July 21, 1949

Ratified by the President of the United States July 25, 1949

Ratification of the United States deposited at Washington July 25, 1949

Entered into force August 24, 1949

Proclaimed by the President of the United States August 24, 1949

Supplemented (to include Greece and Turkey) and amended (article 6) by protocol of October 17, 1951;¹ supplemented (to include Federal Republic of Germany) by protocol of October 23, 1954²

63 Stat. 2241; Treaties and Other
International Acts Series 1964

NORTH ATLANTIC TREATY

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

They therefore agree to this North Atlantic Treaty:

ARTICLE 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

¹ 3 UST 43; TIAS 2390.

² 6 UST 5707; TIAS 3428.

ARTICLE 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

ARTICLE 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

ARTICLE 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

ARTICLE 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE 6³

For the purpose of Article 5 an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian departments of France, on the occupation forces of any Party in Europe, on the islands under the jurisdiction of any Party in the North Atlantic area north of the Tropic of Cancer or on the vessels or aircraft in this area of any of the Parties.

³ For an amendment of art. 6, see protocol of Oct. 17, 1951 (3 UST 43; TIAS 2390).

ARTICLE 7

This Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

ARTICLE 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third state is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

ARTICLE 9

The Parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The council shall be so organized as to be able to meet promptly at any time. The council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5.

ARTICLE 10

The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any state so invited may become a party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

ARTICLE 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

ARTICLE 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

ARTICLE 13

After the Treaty has been in force for twenty years, any Party may cease to be a party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

ARTICLE 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

In witness whereof, the undersigned Plenipotentiaries have signed this Treaty.

Done at Washington, the fourth day of April, 1949.

For the Kingdom of Belgium:

P. H. SPAAK
SILVERCRUYS

For Canada:

LESTER B. PEARSON
H. H. WRONG

For the Kingdom of Denmark:

GUSTAV RASMUSSEN
HENRIK KAUFFMANN

For France:

SCHUMAN
H. BONNET

For Iceland:

BJORN BENEDIKTSSON
THOR THORS

For Italy:

SFORZA
ALBERTO TARCHIANI

For the Grand Duchy of Luxembourg:

JOS. BECH
HUGUES LE GALLAIS

For the Kingdom of the Netherlands:

STIKKER
E. N. VAN KLEFFENS

For the Kingdom of Norway:

HALVARD M. LANGE
WILHELM MUNTHER MORGENSTIERNE

For Portugal:

JOSÉ CAEIRO DA MATTA
PEDRO THEOTÓNIO PEREIRA

For the United Kingdom of Great
Britain and Northern Ireland:

ERNEST BEVIN
OLIVER FRANKS

For the United States of America:

DEAN ACHESON

GERMANY: BASIC PRINCIPLES FOR MERGER OF THREE WESTERN ZONES OF OCCUPATION, AND OTHER MATTERS

Agreements signed at Washington April 8, 1949; declaration signed at Bonn (Petersberg¹) September 21, 1949, concerning entry into force of occupation statute

Occupation statute entered into force September 21, 1949; other agreements April 8, 1949

Occupation statute revised by instrument of revision of March 6, 1951;² terminated May 5, 1955, by protocol of October 23, 1954³

Agreement as to tripartite controls terminated by instrument of revision of March 6, 1951²

63 Stat. 2817; Treaties and Other
International Acts Series 2066

AGREEMENTS ON GERMANY

The Foreign Ministers of France, the United Kingdom and the United States of America, having met in Washington, have reached agreement on the documents listed below:

A. Agreed Memorandum regarding the Principles governing Exercise of Powers and Responsibilities of US–UK–French Governments following Establishment of German Federal Republic.

B. Occupation Statute defining the Powers to be Retained by the Occupation Authorities.

C. Agreement as to Tripartite Controls.

D. Agreed Minute respecting Berlin.

E. Agreed Minute on Claims against Germany.

F. Agreed Minute on Wuerttemberg-Baden Plebiscite.

G. Agreement regarding Kehl.

H. Message to the Military Governors from the Foreign Ministers of the US, UK and France.

I. Message to the Bonn Parliamentary Council from the Foreign Ministers of the US, UK and France.

¹ The Petersberg is a resort hotel on the Rhine River south of Bonn.

² 2 UST 1012; TIAS 2255.

³ 6 UST 4117; TIAS 3425.

The Foreign Ministers confirmed and approved the agreements made on plant dismantling, prohibited and restricted industries, and the establishment of the Ruhr Authority, all of which were recently negotiated in London.

Robert Schuman
*Minister for Foreign
Affairs of the
French Republic*

SCHUMAN

Ernest Bevin
*Secretary of State
for Foreign Affairs
United Kingdom*

ERNEST BEVIN

Dean Acheson
*Secretary of State
of the
United States of America*

DEAN ACHESON

WASHINGTON, D.C.

April 8, 1949

AGREED MEMORANDUM REGARDING THE PRINCIPLES GOVERNING EXERCISE OF
POWERS AND RESPONSIBILITIES OF US-UK-FRENCH GOVERNMENTS
FOLLOWING ESTABLISHMENT OF GERMAN FEDERAL REPUBLIC

1. The Governments of the United States, United Kingdom, and France retain the supreme authority assumed by them under the Declaration signed at Berlin on June 5, 1945,⁴ including the right to revoke or alter any legislative or administrative decisions in the three western zones of Germany.

2. The German governing authorities, whether Federal or Land, shall be at liberty to take administrative and legislative action, and such action will have validity if not vetoed by the Allied Authority. This means that military government will disappear, and that the function of the Allies shall be mainly supervisory.

3. There will be certain limited fields in which the Allies will reserve the right to take direct action themselves, including the issuance of orders to German officials at both the Federal and local levels. However, these fields will be restricted to a minimum; and aside from security matters, the exercise of direct powers by the Allies should be regarded as temporary and self-liquidating in nature.

4. Upon the coming into being of the German Federal Republic, the responsibility for supervision of the utilization of funds made available by the Government of the United States to the German economy for purposes of relief as well as of recovery shall rest with the Economic Cooperation Administration. It is understood that the German Federal Republic should become a party to the Convention for European Economic Cooperation⁵ and execute a bilateral agreement with the Government of the United States. Such contributions as the Government of the United Kingdom agrees to make shall be through the intra-European payments agreement.

5. With the establishment of the German Federal Republic and the termination of military government, the functions of the Allied authorities shall be divided, military functions being exercised by a Commander-in-Chief,

⁴ TIAS 1520, *ante*, vol. 3, p. 1140.

⁵ For text, see *American Foreign Policy: Basic Documents, 1950-1955*, vol. I, p. 992.

and all other functions by a High Commissioner. Each of the Allied establishments in Germany, aside from occupation forces, shall come under the direction of the High Commissioner. The three High Commissioners together will constitute the Allied High Commission.

6. It is the aim of the three governments to restrict to a minimum the size of the staffs maintained within Germany for the above purposes.

7. It is a major objective of the three Allied Governments to encourage and facilitate the closest integration, on a mutually beneficial basis, of the German people under a democratic federal state within the framework of a European association.

OCCUPATION STATUTE DEFINING THE POWERS TO BE RETAINED
BY THE OCCUPATION AUTHORITIES

In the exercise of the supreme authority which is retained by the Governments of France, the United States and the United Kingdom,

We, General Pierre KOENIG, Military Governor and Commander-in-Chief of the French Zone of Germany,

General Lucius D. CLAY, Military Governor and Commander-in-Chief of the United States Zone of Germany, and

General Sir Brian Hubert ROBERTSON, Military Governor and Commander-in-Chief of the British Zone of Germany,

Do hereby jointly proclaim the following occupation statute:

1. During the period in which it is necessary that the occupation continue, the Governments of France, the United States and the United Kingdom desire and intend that the German people shall enjoy self-government to the maximum possible degree consistent with such occupation. The Federal State and the participating Laender shall have, subject only to the limitations in this Instrument, full legislative, executive and judicial powers in accordance with the Basic Law⁶ and with their respective constitutions.

2. In order to ensure the accomplishment of the basic purposes of the occupation, powers in the following fields are specifically reserved, including the right to request and verify information and statistics needed by the occupation authorities:

(a) disarmament and demilitarization, including related fields of scientific research, prohibitions and restrictions on industry, and civil aviation;

(b) controls in regard to the Ruhr, restitution, reparations, decartelization, deconcentration, non-discrimination in trade matters, foreign interests in Germany and claims against Germany;

(c) foreign affairs, including international agreements made by or on behalf of Germany;

⁶ For text, see *Germany 1947-1949: The Story in Documents* (U.S. Government Printing Office, 1950), p. 283.

- (d) displaced persons and the admission of refugees;
- (e) protection, prestige, and security of Allied forces, dependents, employees, and representatives, their immunities and satisfaction of occupation costs and their other requirements;
- (f) respect for the Basic Law and the Land constitutions;
- (g) control over foreign trade and exchange;
- (h) control over internal action, only to the minimum extent necessary to ensure use of funds, food and other supplies in such manner as to reduce to a minimum the need for external assistance to Germany;
- (i) control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupying powers or occupation authorities; over the carrying out of sentences imposed on them; and over questions of amnesty, pardon or release in relation to them.

3. It is the hope and expectation of the Governments of France, the United States and the United Kingdom that the occupation authorities will not have occasion to take action in fields other than those specifically reserved above. The occupation authorities, however, reserve the right, acting under instructions of their Governments, to resume, in whole or in part, the exercise of full authority if they consider that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their governments. Before so doing, they will formally advise the appropriate German authorities of their decision and of the reasons therefor.

4. The German Federal Government and the governments of the Laender shall have the power, after due notification to the occupation authorities, to legislate and act in the fields reserved to these authorities, except as the occupation authorities otherwise specifically direct, or as such legislation or action would be inconsistent with decisions or actions taken by the occupation authorities themselves.

5. Any amendment of the Basic Law will require the express approval of the occupation authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreements made between the Federal State and foreign governments, will become effective twenty-one days after its official receipt by the occupation authorities unless previously disapproved by them, provisionally or finally. The occupation authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law, a Land Constitution, legislation or other directives of the occupation authorities themselves or the provisions of this Instrument, or unless it constitutes a grave threat to the basic purposes of the occupation.

6. Subject only to the requirements of their security, the occupation authorities guarantee that all agencies of the occupation will respect the civil rights of every person to be protected against arbitrary arrest, search or sei-

zure; to be represented by counsel; to be admitted to bail as circumstances warrant; to communicate with relatives; and to have a fair and prompt trial.

7. Legislation of the occupation authorities enacted before the effective date of the Basic Law shall remain in force until repealed or amended by the occupation authorities in accordance with the following provisions:

(a) legislation inconsistent with the foregoing will be repealed or amended to make it consistent herewith;

(b) legislation based upon the reserved powers, referred to in paragraph 2 above, will be codified;

(c) legislation not referred to in (a) and (b) will be repealed by the occupation authorities on request from appropriate German authorities.

8. Any action shall be deemed to be the act of the occupation authorities under the powers herein reserved, and effective as such under this Instrument, when taken or evidenced in any manner provided by any agreement between them. The occupation authorities may in their discretion effectuate their decisions either directly or through instructions to the appropriate German authorities.

9. After 12 months and in any event within 18 months of the effective date of this Instrument the occupying powers will undertake a review of its provisions in the light of experience with its operation and with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields.

AGREEMENT AS TO TRIPARTITE CONTROLS

The Governments of the United Kingdom, France and the United States agree to enter into a trizonal fusion agreement prior to the entry into effect of the Occupation Statute. The representatives of the three occupying powers will make the necessary arrangements to establish tripartite control machinery for the western zones of Germany, which will become effective at the time of the establishment of a provisional German government. The following provisions agreed by the Governments of the United Kingdom, France and the United States shall form the basis of these arrangements:

1. An Allied High Commission composed of one High Commissioner of each occupying power or his representative shall be the supreme Allied agency of control.

2. The nature and extent of controls exercised by the Allied High Commission shall be in harmony with the Occupation Statute and international agreements.

3. In order to permit the German Federal Republic to exercise increased responsibilities over domestic affairs and to reduce the burden of occupation costs, staff personnel shall be kept to a minimum.

4. In the exercise of the powers reserved to the Occupation Authorities to approve amendments to the Federal Constitution, the decisions of the Allied High Commission shall require unanimous agreement.

5. In cases in which the exercise of, or failure to exercise, the powers reserved under paragraph 5 [2] (g) of the Occupation Statute would increase the need for assistance from United States Government appropriated funds, there shall be a system of weighted voting. Under such system the representatives of the Occupation Authorities will have a voting strength proportionate to the funds made available to Germany by their respective governments. This provision shall not, however, reduce the present United States predominant voice in JEIA [Joint Export-Import Agency] and JFEA [Joint Foreign Exchange Agency] while these organizations, or any successor organization to them, continue in existence and are charged with the performance of any of their present functions. No action taken hereunder shall be contrary to any inter-governmental agreement among the signatories or to the principles of non-discrimination.

6. On all other matters action shall be by majority vote.

7. (a) If a majority decision alters or modifies any intergovernmental agreement which relates to any of the subjects listed in paragraph 5 [2] (a) and 5 [2] (b) of the Occupation Statute, any dissenting High Commissioner may appeal to his Government. This appeal shall serve to suspend the decision pending agreement between the three governments.

(b) If a High Commissioner considers that a majority decision conflicts with any inter-governmental agreement which relates to any of the subjects in paragraph 5 [2] (a) and 5 [2] (b) of the Occupation Statute or with the fundamental principles for the conduct of Germany's external relations or with matters essential to the security, prestige, and requirements of the occupying forces, he may appeal to his Government. Such an appeal shall serve to suspend action for 30 days, and thereafter unless two of the Governments indicate that the grounds do not justify further suspension.

(c) If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

8. A High Commissioner who considers that a decision made by less than unanimous vote involving any other matter reserved by the Occupation Statute is not in conformity with basic tripartite policies regarding Germany or that a Land constitution, or an amendment thereto, violates the Basic Law, may appeal to his government. An appeal in this case shall serve to suspend action for a period not to exceed twenty-one days from the date of the decision unless all three governments agree otherwise. If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

9. All powers of the Allied High Commission shall be uniformly exercised in accordance with tripartite policies and directives. To this end in each Land the Allied High Commission shall be represented by a single Land Commissioner who shall be solely responsible to it for all tripartite affairs. In each Land the Land Commissioner shall be a national of the Allied Power in whose zone the Land is situated. Outside his own zone each High Commissioner will delegate an observer to each of the Land Commissioners for purposes of consultation and information. Nothing in this paragraph shall be construed to limit the functions of bodies established pursuant to inter-governmental agreement.

10. To the greatest extent possible, all directives and other instruments of control shall be addressed to the federal and/or Land authorities.

11. The Trizonal Fusion Agreement will continue in force until altered by agreement among the governments.

AGREED MINUTE RESPECTING BERLIN

It was agreed that the provisions of the Agreement as to Tripartite Controls shall be applied as far as practicable to the western sectors of Berlin.

AGREED MINUTE ON CLAIMS AGAINST GERMANY

The governments of France, the United Kingdom and the United States will proceed, in consultation with other governments concerned, to develop proposals for the settlement of financial claims against Germany, claims arising out of the war which remain unsettled, claims with respect to Allied property in Germany, and other questions of an economic or legal character arising out of the existence of a state of war between Germany and the Allied Powers. There should also be appropriate consultations with the German Federal Republic. Prior to the relinquishment of reserved powers in the field of foreign exchange, the three governments will give consideration to the desirability of obtaining from the German Federal Government formal recognition of such claims.

AGREED MINUTE ON WUERTTEMBERG-BADEN PLEBISCITE

It was agreed that the status quo in Wuerttemberg and Baden would be maintained for the time being and that the plebiscite recommended by the German Minister Presidents would be postponed in the interest of avoiding any possible delay in the establishment of the German Federal Government.

It was further agreed that the question of the Wuerttemberg-Baden Land boundaries would be reexamined after the establishment of the German Federal Government.

AGREEMENT REGARDING KEHL

The French control authorities with the assistance of the Strasbourg French authorities will maintain under existing conditions jurisdiction over the Kehl port zone until establishment of the German Federal Government and conclusion of negotiations between the French and German Authorities with respect to a joint port administration for Kehl.

It was agreed, on a proposal of the French Government, that the city of Kehl would gradually be returned to a German administration. It was foreseen that the French temporarily domiciled in Kehl might remain during a four-year period required for the preparation of additional housing in Strasbourg. Around one-third of the French inhabitants will be able to leave Kehl within several months, and the remainder progressively thereafter as housing becomes available.

The final decision with respect to the Kehl port zone will be made in the peace settlement. If the port authority develops harmoniously, the US and UK will be willing at the time of the peace settlement to bring an attitude of good will toward the establishment of a permanent joint authority.

MESSAGE TO THE MILITARY GOVERNORS FROM THE FOREIGN MINISTERS OF
THE US, UK AND FRANCE

To the Military Governors:

For your guidance the Foreign Ministers of the US, UK and France transmit their views on the Basic Law. It is left to the Military Governors to determine the time they may consider it appropriate to communicate these views to the Parliamentary Council, but the Foreign Ministers wish that they be transmitted before opinion in the Parliamentary Council has crystallized, in order that the views given below may be reflected in the Basic Law.

“(a) The Foreign Ministers are not able to agree at this time that Berlin should be included as a Land in the initial organization of the German Federal Republic.

“(b) In the financial field any provisions put forward by the Parliamentary Council in the direction of securing financial independence and adequate strength for both the Länder and Federal Governments in operating in their respective fields will receive sympathetic consideration.

“(c) On the question of Article 36 (Article 95 (c)) they will also give sympathetic consideration to any formula which

(i) eliminates from the federal powers those matters definitely excluded by the London agreement.

(ii) assures to the Länder sufficient powers to enable them to be independent and vigorous governmental bodies.

(iii) assures to the Federal Government sufficient powers in the important fields of government to enable them to deal effectively with those fields in which the interests of more than one Land are substantially and necessarily involved.

“(d) Finally, the Foreign Ministers request that the Military Governors indicate to the Parliamentary Council, at an appropriate time, that they are ready to contemplate a suggestion for a right of the Federal State to supplement, from its own revenues, appropriations made by the Laender from revenues from their own taxes levied and collected by them, by grants for education, health and welfare purposes, subject in each case to specific approval of the Bundesrat.”

MESSAGE TO THE BONN PARLIAMENTARY COUNCIL FROM THE FOREIGN
MINISTERS OF THE US, UK AND FRANCE

To the Military Governors:

The Foreign Ministers of the US, UK and France request you to transmit to the Parliamentary Council at Bonn the following message on their behalf:

“The Foreign Ministers have considered the problem of a Federal German Republic in all its aspects in Washington and have come to a number of important decisions of policy in regard thereto. They have decided that, in general, the German authorities shall be at liberty to take administrative and legislative action, and that such action will have validity if not vetoed by Allied authorities. There will be certain limited fields in which the Allies will reserve the right to take direct action themselves and which are set out in the Occupation Statute, a copy of which is attached hereto.

“With the establishment of the German Federal Republic, Military Government as such will terminate and the functions of the Allied Authorities will be divided—control functions being exercised by a High Commissioner and Military functions by a Commander-in-Chief. The three High Commissioners together will constitute an Allied High Commission, and it is the aim of the three governments to restrict to a minimum the size of the supervisory staffs attached to their respective High Commissioners.

“The Foreign Ministers further affirm that it is a major objective of the three Allied Governments to encourage and facilitate the closest integration on a mutually beneficial basis of the German people under a democratic Federal State within the framework of a European association.

“Nevertheless, before the far-reaching developments which they contemplate can be put in hand, it is essential that an agreement should be reached by the Parliamentary Council upon a Basic Law for the German Federal Republic.”

DECLARATION CONCERNING THE ENTRY INTO FORCE
OF THE OCCUPATION STATUTE

Whereas by letter dated 12 May 1949⁷ the Military Governors and Commanders-in-Chief of the French, United States and British Zones of Germany, respectively, informed the President of the Parliamentary Council at Bonn that the Occupation Statute had been promulgated by them as of that date, and that, “upon the convening of the legislative bodies provided for in the Basic Law, and upon the election of the President and the election and appointment of the Chancellor and the Federal Ministers, respectively, in the manner provided for in the Basic Law, the Government of the Federal Republic of Germany will then be established and the Occupation Statute shall thereupon enter into force”; and

Whereas the conditions aforesaid have been satisfied; and it is expedient formally to declare the entry into force of the Occupation Statute;

Now, therefore, the Council of the Allied High Commission hereby declares that the Occupation Statute entered into force as from 21 September 1949.

Done at Bonn, Petersberg, on 21 September 1949.

A. FRANÇOIS-PONGET
*French High Commissioner
for Germany*

JOHN J. McCLOY
*U.S. High Commissioner
for Germany*

B. H. ROBERTSON
*U.K. High Commissioner
for Germany*

⁷ *Ibid.*, p. 279.

PROHIBITED AND LIMITED INDUSTRIES IN OCCUPIED AREAS OF GERMANY

Agreement signed at Frankfurt April 14, 1949, with annexes

Entered into force April 14, 1949

*Replaced by agreement of April 3, 1951, as amended and supplemented*¹

[For text, see 2 UST 962; TIAS 2250.]

INTERNATIONAL AUTHORITY FOR THE RUHR

Agreement signed at London April 28, 1949, with annex

Entered into force April 28, 1949

*Terminated February 10, 1953, in accordance with article 1 of agreement of July 25, 1952*²

[For text, see 3 UST 5203; TIAS 2718.]

¹ 2 UST 1176, 3 UST 4996, 4 UST 94; TIAS 2265, 2677, 2765.

² 3 UST 5203; TIAS 2718.

GERMANY: REMOVAL OF RESTRICTIONS ON COMMUNICATIONS, TRANSPORTATION, AND TRADE (END OF BERLIN BLOCKADE)

Agreement initialed at New York May 4, 1949

Entered into force May 4, 1949

*Supplemented by agreement of June 20, 1949*¹

63 Stat. 2410; Treaties and Other
International Acts Series 1915

MAY 4, 1949

COMMUNIQUE

The Governments of France, the Union of Soviet Socialist Republics, the United Kingdom and the United States have reached the following agreement:

1. All the restrictions imposed since March 1, 1948, by the Government of the USSR on communications, transportation and trade between Berlin and the Western Zones of Germany and between the Eastern Zone and the Western Zones will be removed on May 12, 1949.

2. All the restrictions imposed since March 1, 1948 by the Governments of France, the United Kingdom and the United States, or any one of them, on communications, transportation and trade between Berlin and the Eastern Zone and between the Western and Eastern Zones of Germany will also be removed on May 12, 1949.

3. Eleven days subsequent to the removal of the restrictions referred to in paragraphs one and two, namely on May 23, 1949, a meeting of the Council of Foreign Ministers will be convened in Paris² to consider questions relating to Germany and problems arising out of the situation in Berlin including also the question of currency in Berlin.

J. C. [Jean Chavel, France]
J. M. [J. Malik, U.S.S.R.]

A. C. [Alexander Cadogan, United Kingdom]
P. C. J. [Philip C. Jessup, United States]

¹ *Post*, p. 846.

² For communique released at conclusion of Sixth Meeting of Council of Foreign Ministers, see *post*, p. 846.

SUPPRESSION OF CIRCULATION OF OBSCENE PUBLICATIONS

Protocol, with annex (amending the agreement of May 4, 1910), opened for signature at Lake Success, N.Y., May 4, 1949, and signed for the United States May 4, 1949
Senate advice and consent to ratification July 6, 1950
Ratified by the President of the United States August 7, 1950
Ratification of the United States deposited with the United Nations August 14, 1950
Proclaimed by the President of the United States November 25, 1950
Protocol entered into force May 4, 1949; for the United States August 14, 1950
Annex entered into force March 1, 1950; for the United States August 14, 1950

[For text, see 1 UST 849; TIAS 2164.]

SUPPRESSION OF WHITE SLAVE TRAFFIC

Protocol, with annex (amending the agreement of May 18, 1904, and the convention of May 4, 1910), opened for signature at Lake Success, N.Y., May 4, 1949, and signed for the United States May 4, 1949
Senate advice and consent to ratification July 6, 1950
Ratified by the President of the United States August 7, 1950
Ratification of the United States deposited with the United Nations August 14, 1950
Proclaimed by the President of the United States August 9, 1951
Protocol entered into force May 4, 1949; for the United States August 14, 1950
Annex entered into force, in respect of agreement of 1904, June 21, 1951; in respect of agreement of 1910, August 14, 1951

[For text, see 2 UST 1997; TIAS 2332.]

NORTH ATLANTIC OCEAN WEATHER STATIONS

Agreement, with annexes, opened for signature at London May 12, 1949, and signed for the United States May 12, 1949
Acceptance by the United States deposited at London August 23, 1949
Entered into force January 13, 1950
Extended and amended by protocol of May 28, 1952¹
Expired June 30, 1954

[For text, see 1 UST 356; TIAS 2053.]

INTER-AMERICAN TROPICAL TUNA COMMISSION

Convention signed at Washington May 31, 1949; exchange of notes between the United States and Costa Rica dated March 3, 1950
Senate advice and consent to ratification August 17, 1949
Ratified by the President of the United States September 1, 1949
Ratifications exchanged by the United States and Costa Rica at Washington March 3, 1950
Entered into force March 3, 1950
Proclaimed by the President of the United States March 23, 1950

[For text, see 1 UST 230; TIAS 2044.]

REGULATION OF WHALING

Amendments to the schedule to the convention of December 2, 1946, adopted at London June 7, 1949
Entered into force October 11, 1949, and January 11, 1950

[For text, see 1 UST 506; TIAS 2092.]

¹ 3 UST 4402; TIAS 2589.

SIXTH MEETING OF COUNCIL OF FOREIGN MINISTERS: GERMAN QUESTION AND AUS- TRIAN TREATY

*Communique accepted at Paris June 20, 1949, and released to the press
June 21, 1949*

*Department of State Bulletin,
July 4, 1949, p. 857*

The sixth session of the Council of Foreign Ministers attended by the Ministers of Foreign Affairs of France, Robert Schuman; of the Union of Soviet Socialist Republics, A. Y. Vyshinsky; of the United Kingdom, Ernest Bevin; and of the United States of America, Dean Acheson, took place in Paris from May 23 to June 20, 1949. During this meeting the German question and the Austrian treaty were discussed. The Council of Foreign Ministers took the following decisions.

I. THE GERMAN QUESTION

Despite the inability at this session of the Council of Foreign Ministers to reach agreement on the restoration of the economic and political unity of Germany, the Foreign Ministers of France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States will continue their efforts to achieve this result and in particular now agree as follows:

1. During the course of the fourth session of the General Assembly of the United Nations to be convened next September, the four governments, through representatives at the Assembly, will exchange views regarding the date and other arrangements for the next session of the Council of Foreign Ministers on the German question.

2. The occupation authorities, in the light of the intention of the Ministers to continue their efforts to achieve the restoration of the economic and political unity of Germany, shall consult together in Berlin on a quadripartite basis.

3. These consultations will have as their purpose, among others, to mitigate the effects of the present administrative division of Germany and of Berlin, notably in the matters listed below:

(A) Expansion of trade and development of the financial and economic relations between the Western zones and the Eastern zone and between Berlin and the zones.

(B) Facilitation of the movement of persons and goods and the exchange of information between the Western zones and the Eastern zone and between Berlin and the zones.

(C) Consideration of questions of common interest relating to the administration of the four sectors in Berlin with a view to normalizing as far as possible the life of the city.

4. In order to assist in the work envisaged in paragraph 3, the respective occupation authorities may call upon German experts and appropriate German organizations in their respective jurisdictions for assistance. The Germans so called upon should exchange pertinent data, prepare reports and, if agreed between them, submit proposals to the occupation authorities.

5. The Governments of France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States agree that the New York agreement of May 4, 1949, shall be maintained.¹ Moreover, in order to promote further the aims set forth in the preceding paragraphs and in order to improve and supplement this and other arrangements and agreements as regards the movement of persons and goods and communications between the Eastern zone and the Western zones and between the zones and Berlin and also in regard to transit, the occupation authorities, each in his own zone, will have an obligation to take the measures necessary to insure the normal functioning and utilization of rail, water, and road transport for such movement of persons and goods and such communications by post, telephone, and telegraph.

6. The occupation authorities will recommend to the leading German economic bodies of the Eastern and Western zones to facilitate the establishment of closer economic ties between the zones and more effective implementation of trade and other economic agreements.

II. THE AUSTRIAN TREATY

The Foreign Ministers have agreed:

(A) That Austria's frontiers shall be those of January 1, 1938;

(B) That the treaty for Austria shall provide that Austria shall guarantee to protect the rights of the Slovene and Croatian minorities in Austria;

(C) That reparations shall not be exacted from Austria, but that Yugoslavia shall have the right to seize, retain, or liquidate Austrian property, rights and interests within Yugoslav territory;

(D) That the Soviet Union shall receive from Austria \$150,000,000 in freely convertible currency to be paid in six years;

¹ TIAS 1915, *ante*, p. 843.

(E) That the definitive settlement shall include:

(1) The relinquishment to Austria of all property, rights or interests held or claimed as German assets and of war industrial enterprises, houses, and similar immovable property in Austria held or claimed as war booty, on the understanding that the deputies will be instructed to define more accurately the categories of war booty transferred to Austria (with the exception of those oil assets and DDSG—Danube Shipping Company—properties transferred to the Soviet Union under other paragraphs of article 35 of the treaty indicated in the U.S.S.R. proposals of January 24, 1948, as revised, and retained in general under Austrian jurisdiction). Accordingly the assets of the DDSG in Bulgaria, Hungary, and Rumania as well as 100 percent of the assets of the company in eastern Austria in accordance with a list to be agreed upon by the deputies will be transferred to the U.S.S.R.

(2) That the rights, properties, and interests transferred to the U.S.S.R. as well as the rights, properties, and interests which the U.S.S.R. cedes to Austria shall be transferred without any charges or claims on the part of the U.S.S.R. or on the part of Austria. At the same time it is understood that the words "charges or claims" mean not only creditor claims as arising out of the exercise of the Allied control of these rights, properties, and interests after May 8, 1945, but also all other claims including claims in respect of taxes. It is also understood that the reciprocal waivers by the U.S.S.R. and Austria of charges and claims apply to all such charges and claims as exist on the date when Austria formalizes the rights of the U.S.S.R. to the German assets transferred to it and on the date of the actual transfer to Austria of the assets ceded by the U.S.S.R.

(F) That all former German assets which have become the property of the U.S.S.R. shall not be subject to alienation without the consent of the U.S.S.R.

(G) That the deputies shall resume their work promptly for the purpose of reaching agreement not later than September 1, 1949, on the draft treaty as a whole.

ALLIED HIGH COMMISSION FOR GERMANY

Charter signed at Paris June 20, 1949

Entered into force September 21, 1949

*Revised March 6, 1951*¹

*Terminated May 5, 1955, by protocol of October 23, 1954*²

[For text, see 2 UST 691; TIAS 2225.]

¹ 2 UST 825; TIAS 2235.

² 6 UST 4117; TIAS 3425.

RESTITUTION OF MONETARY GOLD LOOTED BY GERMANY: POLISH PARTICIPATION

Protocol signed at London July 6, 1949

Entered into force July 6, 1949

63 Stat. 2677; Treaties and Other
International Acts Series 1970

PROTOCOL

The Governments of the United States of America, the French Republic and the United Kingdom of Great Britain and Northern Ireland, hereinafter referred to as "the Allied Governments concerned," on the one hand, and the Government of Poland, on the other, have through the undersigned duly empowered representatives, agreed as follows:

1. Poland shall receive a proportional share of the gold distributed pursuant to Part III of the Agreement on Reparation from Germany, on the Establishment of an Inter-Allied Reparation Agency and on the Restitution of Monetary Gold signed at Paris on 14th January, 1946,¹ on the same basis as the countries signatory to the said Agreement to the extent that Poland can establish that a definite amount of monetary gold belonging to it was looted by Germany, or, at any time after 12th March, 1938, was wrongfully removed into German territory.

2. Poland adheres to the arrangement for the restitution of monetary gold set forth in Part III of the aforementioned Agreement and declares that the portion of the monetary gold accruing to it under the Agreement is accepted in full satisfaction of all Polish claims against Germany for restitution of monetary gold.

3. Poland accepts the arrangements which have been or will be made by the Allied Governments concerned for the implementation of the aforesaid arrangement.

Done in London this 6th day of July, 1949, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of the United Kingdom and of which certified copies shall be communicated to the other signatory Governments.

For the Government of the United States of America:

J. C. HOLMES

For the Government of the French Republic:

R. MASSIGLI

For the Government of the United Kingdom of Great
Britain and Northern Ireland:

ERNEST BEVIN

For the Government of Poland:

JERZY MICHALOWSKI

¹ TIAS 1655, *ante*, p. 5.

TELECOMMUNICATION: INTER-AMERICAN RADIOCOMMUNICATIONS

*Agreement, with annex and appendixes, signed at Washington July 9,
1949*

*Approved by the President of the United States June 23, 1950
Entered into force April 13, 1952*

[For text, see 3 UST 3064; TIAS 2489.]

CIRCULATION OF AUDIOVISUAL MATERIALS (BEIRUT AGREEMENT)

*Agreement for facilitating the international circulation of visual and
auditory materials of an educational, scientific and cultural charac-
ter, with protocol, opened for signature at Lake Success July 15,
1949, and signed for the United States September 13, 1949*

Senate advice and consent to ratification May 26, 1960

Ratified by the President of the United States September 30, 1966

*Acceptance by the United States deposited with the United Nations
October 14, 1966*

*Entered into force August 12, 1954; for the United States January 12,
1967*

[For text, see 17 UST 1578; TIAS 6116.]

TELECOMMUNICATION: TELEGRAPH REGULATIONS (PARIS REVISION, 1949)

*Regulations, with final protocol, signed at Paris August 5, 1949, and annexed to International Telecommunication Convention (Atlantic City, 1947)*¹

Senate advice and consent to ratification, with reservations and declarations, August 9, 1950

Ratified by the President of the United States, with reservations and declarations, August 23, 1950

Ratification of the United States deposited with the International Telecommunication Union September 26, 1950

Entered into force July 1, 1950; for the United States September 26, 1950

Proclaimed by the President of the United States November 20, 1950

Replaced by regulations of November 29, 1958,² as between contracting parties to the later regulations

[For text, see 2 UST 17; TIAS 2175.]

TELECOMMUNICATION: BERMUDA AGREEMENT

*Agreement annexed to the final act of the United States-Commonwealth Telecommunications Meeting signed at London August 12, 1949, replacing the agreement of December 4, 1945*³

Entered into force February 24, 1950

*Article II revised by supplementary agreement of October 1, 1952*⁴

[For text, see 3 UST 2686; TIAS 2435.]

¹ TIAS 1901, *ante*, p. 570.

² 10 UST 2423; TIAS 4390.

³ TIAS 1518, *ante*, vol. 3, p. 1332.

⁴ 3 UST 5140; TIAS 2705.

PROTECTION OF WAR VICTIMS (RED CROSS CONVENTIONS)

Conventions, with annexes, signed at Geneva August 12, 1949 (1) for the amelioration of the condition of the wounded and sick in armed forces in the field; (2) for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea; (3) relative to the treatment of prisoners of war; and (4) relative to the protection of civilian persons in time of war

Senate advice and consent to ratification, with reservations and statements, July 6, 1955

Ratified by the President of the United States, with reservations and statements, July 14, 1955

Ratifications of the United States deposited with the Swiss Federal Council August 2, 1955

Proclaimed by the President of the United States August 30, 1955

Entered into force October 21, 1950; for the United States February 2, 1956

[For texts, see (1) 6 UST 3114; TIAS 3362, (2) 6 UST 3217; TIAS 3363, (3) 6 UST 3316; TIAS 3364, and (4) 6 UST 3516; TIAS 3365.]

APPLICATION OF MOST-FAVORED-NATION TREATMENT TO WESTERN SECTORS OF BERLIN

*Memorandum of understanding opened for signature at Annecy
August 13, 1949, and signed for the United States August 13, 1949
Entered into force August 13, 1949*

63 Stat. 2795; Treaties and Other
International Acts Series 2047

MEMORANDUM OF UNDERSTANDING RELATIVE TO APPLICATION TO THE WESTERN SECTORS OF BERLIN OF THE AGREEMENT ON MOST-FAVORED- NATION TREATMENT FOR AREAS OF WESTERN GERMANY UNDER MILI- TARY OCCUPATION

1. The undersigned, representing Governments now signatory to the Agreement on Most-Favoured-Nation Treatment for Areas of Western Germany under Military Occupation, signed 14 September 1948¹ (hereinafter referred to as "the Agreement"), agree, since the same policy considerations as apply to the extension of most-favoured-nation treatment to the areas clearly covered by the Agreement also apply to the extension of such treatment to the sectors of Berlin under occupational control of France, the United Kingdom and the United States, that the provisions of the Agreement applicable to Western Germany shall from the signature hereof be construed as applicable in like manner to such sectors of Berlin.

2. This Memorandum shall be deposited with the Secretary-General of the United Nations who shall transmit a certified copy thereof to each Government specified in paragraph 2 of Article VI of the Agreement. This Memorandum shall be open for signature by each Government which has signed, or hereafter signs the Agreement.

Done at Annecy, in a single copy, in the English and French languages, both texts authentic, this thirteenth day of August, 1949.

For the Kingdom of Belgium:
FRANÇOIS NYS

For Canada:
E. D. WILGESS

For the United States of Brazil:
A. DE VILHENA FERREIRA-BRAGA

For Ceylon:
For the Republic of China:

¹ TIAS 1886, *ante*, p. 765.

For the French Republic:
E. LECUYER

For India:
M. J. DESAI

For the Grand-Duchy of Luxembourg:

For the Kingdom of the Netherlands:
C. L. PATIJN 10 Oct. 49

For the Kingdom of Norway:
KNUT THOMMESSEN

For Pakistan:

For the Union of South Africa:

For the United Kingdom of Great
Britain and Northern Ireland:
R. SHACKLE

For the United States of America:
WOODBURY WILLOUGHBY

For the Republic of Syria:
F. EL-KHOURI September 24, 1949

For the Dominican Republic:
MAX HENRIQUEZ URENA October 5,
1949

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol signed at Annecy August 13, 1949, modifying article XXVI of
the General Agreement of October 30, 1947
Acceptance by the United States deposited with the United Nations
January 12, 1950
Entered into force March 28, 1950*

[For text, see 2 UST 1583; TIAS 2300.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Third protocol of rectifications to the General Agreement of October 30,
1947, opened for signature at Annecy August 13, 1949, and signed
for the United States October 10, 1949
Entered into force October 21, 1951*

[For text, see 3 UST 57; TIAS 2393.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol replacing Schedule I (Australia) of the General Agreement of
October 30, 1947, opened for signature at Annecy August 13, 1949,
and signed for the United States October 10, 1949
Entered into force October 21, 1951*

[For text, see 3 UST 123; TIAS 2394.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

*First protocol of modifications to the General Agreement of October 30, 1947, opened for signature at Annecy August 13, 1949, and signed for the United States October 10, 1949
Entered into force September 24, 1952*

[For text, see 3 UST 5368; TIAS 2745.]

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Protocol replacing Schedule VI (Ceylon) of the General Agreement of October 30, 1947, opened for signature at Annecy August 13, 1949, and signed for the United States October 10, 1949
Entered into force September 24, 1952*

[For text, see 3 UST 5383; TIAS 2746.]

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

*Protocol signed at London August 31, 1949, prolonging agreement of May 6, 1937¹
Senate advice and consent to ratification July 6, 1950
Ratified by the President of the United States July 14, 1950
Ratification of the United States deposited at London September 7, 1950
Entered into force August 31, 1949; for the United States September 7, 1950, operative from September 1, 1949
Proclaimed by the President of the United States September 22, 1950*

[For text, see 1 UST 625; TIAS 2114.]

¹ TS 990, *ante*, vol. 3, p. 388.

ROAD TRAFFIC

Convention, with annexes and protocol, opened for signature at Geneva September 19, 1949, and signed for the United States September 19, 1949

Senate advice and consent to ratification August 9, 1950

Ratified by the President of the United States August 17, 1950

Ratification of the United States deposited with the United Nations August 30, 1950

Entered into force March 26, 1952

Proclaimed by the President of the United States April 16, 1952

[For text, see 3 UST 3008; TIAS 2487.]

LOAD LINES

Modification of fifth paragraph of annex II 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 September 19, 1949

Senate advice and consent to ratification April 1, 1952

Ratified by the President of the United States April 18, 1952

Acceptance by the United States notified at London May 1, 1952

Entered into force August 7, 1959

Proclaimed by the President of the United States August 4, 1960

[For text, see 11 UST 1992; TIAS 4550.]

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Resolution amending the UNESCO constitution, adopted at Paris October 5, 1949

Entered into force October 5, 1949

[For text, see 10 UST 959; TIAS 4230.]

¹ TS 858, *ante*, vol. 2, p. 1076.

GENERAL AGREEMENT ON TARIFFS AND TRADE

*Annecy protocol of terms of accession with respect to Denmark, the Dominican Republic, Finland, Greece, Haiti, Italy, Liberia, Nicaragua, Sweden, and Uruguay to the General Agreement of October 30, 1947, opened for signature at Annecy October 10, 1949, and signed for the United States October 10, 1949*¹

Entered into force January 1, 1950

64 Stat. B139; Treaties and Other
International Acts Series 2100

THE ANNECY PROTOCOL OF TERMS OF ACCESSION TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand-Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are the present contracting parties to the General Agreement on Tariffs and Trade² (hereinafter called "the present contracting parties" and "the General Agreement" respectively), and the Governments of the Kingdom of Denmark, the Dominican Republic, the Republic of Finland, the Kingdom of Greece, the Republic of Haiti, the Republic of Italy, the Republic of Liberia, the Republic of Nicaragua, the Kingdom of Sweden, and the Oriental Republic of Uruguay (hereinafter called "the acceding governments"),

HAVING REGARD to the results of the negotiations directed towards the accession of the acceding governments to the General Agreement,

In accordance with the provisions of Article XXXIII of the General Agreement:

¹ For Annecy schedules of tariff concessions, see 64 Stat. B153 or TIAS 2100, p. 13; for signatures in respect of the various governments, see 64 Stat. B1053 or TIAS 2100, p. 911.

² TIAS 1700, *ante*, p. 641.

HEREBY AGREE upon the terms on which the acceding governments may so accede, which terms are embodied in this Protocol,

AND the present contracting parties DECIDE by decisions of two-thirds majorities, taken in the manner provided in paragraph 11 of this Protocol, upon the accession to the General Agreement of the acceding governments.

1.(a) Subject to the provisions of this Protocol, each of the acceding governments shall, upon the entry into force of this Protocol with respect to it, apply provisionally:

- (i) Parts I and III of the General Agreement, and
- (ii) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

(b) The obligations incorporated in paragraph 1 of Article I of the General Agreement by reference to Article III thereof and those incorporated in paragraph 2 (b) of Article II by reference to Article VI shall be considered as falling within Part II of the General Agreement for the purpose of this paragraph.

(c) For the purposes of the General Agreement, the Schedule³ contained in Annex B to this Protocol shall be regarded as Schedules to the General Agreement relating to acceding governments.

(d) Notwithstanding the provisions of paragraph 1 of Article I of the General Agreement, signature of this Protocol by an acceding government shall not require the elimination of any preferences in respect of import duties or charges which do not exceed the levels provided for in paragraph 4 of Article I of the General Agreement as modified and which are in force exclusively between Uruguay and Paraguay.

2. Upon the entry into force of this Protocol with respect to each acceding government, that government shall become a contracting party as defined in Article XXXII of the General Agreement.

3. Notwithstanding the provisions of paragraph 12, the concessions provided for in the Schedule relating to each present contracting party and contained in Annex A to this Protocol shall not enter into force for that contracting party unless notification of the intention to apply these concessions has first been received by the Secretary-General of the United Nations from that contracting party. Such concessions shall thereafter enter into force for that contracting party either on the date on which this Protocol first enters into force pursuant to paragraph 12 or on the thirtieth day following the day upon which such notification is received by the Secretary-General, whichever is the later. Such notification shall only be effective if received by the Secretary-General not later than April 30, 1950. Upon the entry into force of such concessions the appropriate Schedule shall be regarded as a Schedule to the General Agreement relating to that contracting party.

³ For Annex schedules of tariff concessions, see 64 Stat. B153 or TIAS 2100, p. 13.

4. Any present contracting party which has given the notification referred to in paragraph 3 or any acceding government which has signed this Protocol shall be free at any time to withhold or to withdraw in whole or in part any concession, provided for in the appropriate Schedule contained in Annex A or B to this Protocol, in respect of which such contracting party or government determines that it was initially negotiated with an acceding government which has not signed this Protocol or a present contracting party which has not given such notification; *Provided* that the present contracting party or acceding government withholding or withdrawing in whole or in part any such concession shall give notice to all other present contracting parties and acceding governments within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with the contracting parties which have a substantial interest in the product concerned; and *Provided further* that, without prejudice to the provisions of Article XXXV of the General Agreement, any concession so withheld or withdrawn shall be applied from the thirtieth day following the day upon which the acceding government or present contracting party with which it was initially negotiated signs this Protocol or gives the notification referred to in paragraph 3.

5.(a) In each case in which Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of the Schedules annexed to this Protocol shall be the date of this Protocol.

(b) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII and sub-paragraph 3(c) of Article X of the General Agreement refers to the date of that Agreement, the applicable date in respect of each acceding government shall be March 24, 1948.

(c) In the case of the references in paragraph 11 of Article XVIII of the General Agreement to September 1, 1947 and October 10, 1947, the applicable dates in respect of each acceding government shall be May 14, 1949 and July 30, 1949, respectively.

6. The provisions of the General Agreement to be applied by an acceding government shall be those contained in the text annexed to the Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment as rectified, amended, or otherwise modified on the day on which this Protocol is signed by such acceding government. Signature of this Protocol by an acceding government, to be effective, shall be accompanied by appropriate action accepting any rectification, amendment, or other modification which has been drawn up by the CONTRACTING PARTIES for submission to governments for acceptance but which has not become effective by the date of signature of this Protocol by that acceding government.

7. Any acceding government which has signed this Protocol shall be free to withdraw its provisional application of the General Agreement and such withdrawal shall take effect on the sixtieth day following the day on which

written notice of such withdrawal is received by the Secretary-General of the United Nations.

8.(a) Any acceding government which has signed this Protocol and has not given notice of withdrawal under paragraph 7, may, on or after the date on which the General Agreement enters into force pursuant to Article XXVI thereof, accede to that Agreement upon the terms of this Protocol by deposit of an instrument of accession with the Secretary-General of the United Nations. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI, or on the thirtieth day following the day of the deposit of the instrument of accession, whichever shall be the later.

(b) Accession to the General Agreement pursuant to paragraph 8(a) of this Protocol shall, for the purpose of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.

9.(a) Each acceding government signing this Protocol, or depositing an instrument of accession under paragraph 8(a), and each present contracting party giving the notification referred to in paragraph 3, does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify to the Secretary-General of the United Nations at the time of such signature, deposit, or notification under paragraph 3.

(b) Any acceding government or present contracting party which has notified the Secretary-General, under the exception in subparagraph (a) of this paragraph, may at any time give notice to the Secretary-General that such signature, accession, or notification under paragraph 3 shall be effective in respect of any separate customs territory or territories so excepted and such notice shall take effect on the thirtieth day following the day on which it is received by the Secretary-General.

(c) If any of the customs territories, in respect of which an acceding government has made the General Agreement effective, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in the General Agreement, such territory shall, upon sponsorship through a declaration by the responsible acceding government establishing the above-mentioned fact, be deemed to be a contracting party.

10.(a) The original text of this Protocol shall be deposited with the Secretary-General of the United Nations and shall be open for signature at the Headquarters of the United Nations by present contracting parties from October 10, 1949 until November 30, 1949 and by acceding governments from October 10, 1949 until April 30, 1950.

(b) The Secretary-General of the United Nations shall promptly furnish a certified copy of this Protocol, and a notification of each signature

thereto, of each deposit of an instrument of accession under paragraph 8 (a), and of each notification or notice under paragraph 3, 7, 9 (a) or 9 (b), to each Member of the United Nations and to each other government which participated in the United Nations Conference on Trade and Employment.

(c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations.⁴

11. Upon signature of this Protocol in respect of an acceding government by two-thirds of the present contracting parties, it shall constitute a decision taken under Article XXXIII of the General Agreement agreeing to the accession of that government.

12. Subject to the provisions of paragraph 3, this Protocol shall, for each acceding government in respect of which it has been signed by November 30, 1949 by two-thirds of the present contracting parties, enter into force:

(a) if it has been signed by that acceding government by November 30, 1949, on January 1, 1950, or

(b) if it has not been signed by that acceding government by November 30, 1949, on the thirtieth day following the day upon which it shall have been signed by such acceding government.

13. The date of this Protocol shall be October 10, 1949.

Done at Annecy, in a single copy, in the English and French languages, both texts authentic except as otherwise specified with respect to Schedules annexed hereto.

[For Annecy schedules of tariff concessions, see 64 Stat. B153 or TIAS 2100, p. 13; for signatures in respect of the various governments, see 64 Stat. B1053 or TIAS 2100, p. 911.]

⁴ TS 993, *ante*, vol. 3, p. 1176.

INCORPORATION OF GERMANY INTO EUROPEAN COMMUNITY OF NATIONS

*Protocol of agreements reached between the Allied High Commissioners
and the Chancellor of the German Federal Republic, signed at Bonn
(Petersberg) November 22, 1949
Entered into force November 22, 1949*

[For text, see 3 UST 2714; TIAS 2439.]

INTERNATIONAL UNION FOR PUBLICATION OF CUSTOMS TARIFFS

*Protocol opened for signature at Brussels December 16, 1949, modifying
the convention, regulations, and memorandum of signature of
July 5, 1890¹
Senate advice and consent to ratification January 25, 1956
Ratified, and the adherence of the United States declared, by the Presi-
dent of the United States September 20, 1956
Adherence by the United States deposited at Brussels August 8, 1957
Notification of United States adherence dispatched to contracting states
by Government of Belgium August 17, 1957
Entered into force May 5, 1950; for the United States September 15,
1957
Proclaimed by the President of the United States September 16, 1957*

[For text, see 8 UST 1669; TIAS 3922.]

¹ TS 384, *ante*, vol. 1, p. 172.

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