

REVIEW OF LEGAL AND INSTITUTIONAL INSTRUMENTS
TO FACILITATE INTRA-REGIONAL TRANSPORT AND TRADE
WITHIN SUB-SAHARAN AFRICA

ANNEX II-13

**CONVENTION AND STATUTE ON THE INTERNATIONAL REGIME OF
MARITIME PORTS**

(GENEVA 1923)

CONVENTION AND STATUTE ON THE INTERNATIONAL
RÉGIME OF MARITIME PORTS AND PROTOCOL
OF SIGNATURE¹

Signed at Geneva, December 9, 1923. Ratifications deposited by Belgium (excluding Belgian Congo and Territory of Ruanda-Urundi), May 16, 1927; British Empire, Aug. 29, 1924; New Zealand and India, April 1, 1925; Denmark (excluding Greenland), April 27, 1926; Greece, Jan. 24, 1927; Japan, Sept. 30, 1926; Siam, Jan. 9, 1925; Sweden, Sept. 15, 1927; Switzerland, Oct. 23, 1927. Final accessions deposited by Austria, Jan. 20, 1927; Newfoundland, April 23, 1925; Southern Rhodesia, April 23, 1925; Australia, June 29, 1925; British colonies, protectorates and mandated territories, Sept. 22, 1925. Accessions subject to ratification deposited by France, Dec. 1, 1924; Panama, July 31, 1925. The Convention and the Protocol came into force on July 26, 1926. (League of Nations Official Journal, November, 1927, pp. 1514-1516.)

The British Empire (with New Zealand and India), Germany, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, Esthonia, Greece, Hungary, Italy, Japan, Lithuania, Norway, the Netherlands, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, Sweden, Switzerland, Czechoslovakia and Uruguay.

Desirous of ensuring in the fullest measure possible the freedom of communications mentioned in Article 23 (e) of the Covenant by guaranteeing in the maritime ports situated under their sovereignty or authority and for purposes of international trade equality of treatment between the ships of all the contracting states, their cargoes and passengers;

Considering that the best method of achieving their present purpose is by means of a general convention to which the greatest possible number of states can later accede;

And whereas the conference which met at Genoa on the 10th April, 1922, requested, in a resolution which was transmitted to the competent organizations of the League of Nations with the approval of the Council and the Assembly of the League, that the international conventions relating to the régime of communications provided for in the Treaties of Peace should be concluded and put into operation as soon as possible, and whereas, Article 379 of the Treaty of Versailles and the corresponding articles of the other treaties provide for the preparation of a general convention on the international régime of ports;

¹ G. B. Treaty Series No. 24 (1925).

Communications and Transit, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Hellenes: M. A. Politis, Technical Representative of the Hellenic Government in Paris, delegate at the Second General Conference on Communications and Transit; and M. Demetre G. Phocas, Captain in the Hellenic Navy, delegate at the Second General Conference on Communications and Transit;

His Serene Highness the Governor of Hungary: M. Emile de Walter, Ministerial Counsellor at the Royal Hungarian Ministry for Foreign Affairs, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Italy: M. Paolo Bignami, former Under-Secretary of State, former member of the Chamber of Deputies, delegate at the Second General Conference on Communications and Transit;

His Majesty the Emperor of Japan: Mr. S. Okuyama, Counsellor of Embassy, Assistant Head of the Japanese League of Nations Office in Paris, delegate at the Second General Conference on Communications and Transit;

The President of the Republic of Lithuania: M. C. Dobkevicius, Counsellor at the Lithuanian Legation in Paris, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Norway: M. Gabriel Smith, delegate at the Second General Conference on Communications and Transit;

Her Majesty the Queen of the Netherlands: Jonkheer W. J. M. van Eysinga, Professor at the University of Leyden, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

The President of the Republic of Salvador: M. J. G. Guerrero, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic and to His Majesty the King of Italy, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Serbs, Croats and Slovenes: M. B. Voukovich, Director of the State Railways, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Siam: M. Phya Sanpakitch Preecha, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain and to His Majesty the King of Italy, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Sweden: Baron Alströmer, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;

The Swiss Federal Council: Dr. Robert Herold, Director of the Railway Division of the Federal Department of Posts and Railways, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

The President of the Czechoslovak Republic: M. J. Dvoraček, Minister Plenipotentiary and Head of the Economic Department of the Ministry for Foreign Affairs;

Communications and Transit, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Hellenes: M. A. Politis, Technical Representative of the Hellenic Government in Paris, delegate at the Second General Conference on Communications and Transit; and M. Demetre G. Phocas, Captain in the Hellenic Navy, delegate at the Second General Conference on Communications and Transit;

His Serene Highness the Governor of Hungary: M. Emile de Walter, Ministerial Counsellor at the Royal Hungarian Ministry for Foreign Affairs, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Italy: M. Paolo Bignami, former Under-Secretary of State, former member of the Chamber of Deputies, delegate at the Second General Conference on Communications and Transit;

His Majesty the Emperor of Japan: Mr. S. Okuyama, Counsellor of Embassy, Assistant Head of the Japanese League of Nations Office in Paris, delegate at the Second General Conference on Communications and Transit;

The President of the Republic of Lithuania: M. C. Dobkevicius, Counsellor at the Lithuanian Legation in Paris, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Norway: M. Gabriel Smith, delegate at the Second General Conference on Communications and Transit;

Her Majesty the Queen of the Netherlands: Jonkheer W. J. M. van Eysinga, Professor at the University of Leyden, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

The President of the Republic of Salvador: M. J. G. Guerrero, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic and to His Majesty the King of Italy, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Serbs, Croats and Slovenes: M. B. Voukovich, Director of the State Railways, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Siam: M. Phya Sanpakitch Preecha, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain and to His Majesty the King of Italy, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Sweden: Baron Alströmer, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;

The Swiss Federal Council: Dr. Robert Herold, Director of the Railway Division of the Federal Department of Posts and Railways, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

The President of the Czechoslovak Republic: M. J. Dvoraček, Minister Plenipotentiary and Head of the Economic Department of the Ministry for Foreign Affairs;

The President of the Republic of Uruguay: M. Benjamin Fernández y Medina, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain, chairman of the Advisory and Technical Committee for Communications and Transit;

Who, after communicating their full powers, found in good and due form, have agreed as follows:

ARTICLE 1

The contracting states declare that they accept the Statute on the International Régime of Maritime Ports, annexed hereto, adopted by the Second General Conference on Communications and Transit which met at Geneva on the 15th November, 1923.

This statute shall be deemed to constitute an integral part of the present convention.

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

ARTICLE 2

The present convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on the 28th June, 1919, or out of the provisions of the other corresponding treaties, in so far as they concern the Powers which have signed, or which benefit by, such treaties.

ARTICLE 3

The present convention, of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature until the 31st October, 1924, by any state represented at the conference of Geneva, by any member of the League of Nations, and by any states to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

ARTICLE 4

The present convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to every state signatory of or acceding to the convention.

ARTICLE 5

On and after the 1st November, 1924, the present convention may be acceded to by any state represented at the conference referred to in Article 1, by any member of the League of Nations, or by any state to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Accessions shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the secretariat. The Secretary-General shall at once notify such deposit to every state signatory of or acceding to the convention.

ARTICLE 6

The present convention will not come into force until it has been ratified in the name of five states. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter, the present convention will take effect in the case of each party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the day of its coming into force.

ARTICLE 7

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of Article 9, which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

ARTICLE 8

Subject to the provisions of Article 2 above, the present convention may be denounced by any party thereto after the expiration of five years from the date when it came into force in respect of that party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date on which the notification thereof was received by the Secretary-General, and shall operate only in respect of the notifying state.

ARTICLE 9

Any state signing or acceding to the present convention may declare at the moment either of its signature, ratification or accession, that its acceptance of the present convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories, under its sovereignty or authority, and may subsequently accede, in conformity with the provisions of Article 5, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 8 shall apply to any such denunciation.

ARTICLE 10

The revision of the present convention may be demanded at any time by one-third of the contracting states.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Geneva the 9th day of December, 1923, in a single copy which shall remain deposited in the archives of the secretariat of the League of Nations.

| | |
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| Germany: | GOTTFRIED ASCHMANN. |
| Belgium: | XAVIER NEUJEAN. |
| Brazil: | E. LEITAO DE CARVALHO. E. MONTARROYOS. |
| British Empire: | H. LLEWELLYN SMITH. |
| New Zealand: | J. ALLEN. |
| India: | HARDINGE OF PENSHURST. |
| Bulgaria: | D. MIKOFF. |
| Chile: | FRANCISCO RIVAS VICUÑA. |
| Denmark: | A. HOLCK-COLDING. |
| Spain: | GMO. BROCKMANN. |
| | Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute. (Translation.) |
| Esthonia: | C. R. PUSTA. |
| Greece: | A. POLITIS. D. G. PHOCAS. |
| | Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute. (Translation.) |
| Hungary: | WALTER. |
| Italy: | PAOLO BIGNAMI. |
| | Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute. (Translation.) |
| Japan: | S. OKUYAMA. |
| Lithuania: | DOBKEVICIUS. |
| | Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute. (Translation.) |
| Norway: | GABRIEL SMITH. |
| Netherlands: | V. EYSINGA. |
| | With the exception of the overseas territories, Netherlands Indies, Surinam and Curaçao. (Translation.) |
| Salvador: | J. GUSTAVO GUERRERO. |
| Kingdom of the Serbs, Croats and Slovenes: | B. VOUKOVITCH. |
| | Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute. (Translation.) |
| Siam: | PHYA SANPAKITCH PREECHA. |
| Sweden: | ALSTRÖMER. |
| Switzerland: | HEROLD. |
| Czechoslovakia: | J. DVORÁČEK. |
| | Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute. (Translation.) |
| Uruguay: | B. FERNANDEZ Y MEDINA. |

STATUTE

ARTICLE 1

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

ARTICLE 2

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

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

ARTICLE 3

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

ARTICLE 4

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

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

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

ARTICLE 5

In assessing and applying customs and other analogous duties, local octroi or consumption duties, or incidental charges, levied on the importation or exportation of goods through the maritime ports situated under the sovereignty or authority of the contracting states, the flag of the vessel must not be taken into account and, accordingly, no distinction may be made to the detriment of the flag of any contracting state whatsoever as between that flag and the flag of the state under whose sovereignty or authority the port is situated, or the flag of any other state whatsoever.

ARTICLE 6

In order that the principle of equal treatment in maritime ports laid down in Article 2 may not be rendered ineffective in practice by the adoption of other methods of discrimination against the vessels of a contracting state using such ports, each contracting state undertakes to apply the provisions of Articles 4, 20, 21 and 22 of the statute annexed to the Convention on the International Régime of Railways, signed at Geneva, on the 9th December, 1923, so far as they are applicable to traffic to or from a maritime port, whether or not such contracting state is a party to the said Convention on the International Régime of Railways. The aforesaid articles are to be interpreted in conformity with the provisions of the protocol of signature of the said convention. (See Annex.)

ARTICLE 7

Unless there are special reasons justifying an exception, such as those based upon special geographical, economic or technical conditions, the customs duties levied in any maritime port situated under the sovereignty or authority of a contracting state may not exceed the duties levied on the other customs frontiers of the said state on goods of the same kind, source or destination.

If, for special reasons as set out above, a contracting state grants special customs facilities on other routes for the importation or exportation of goods, it shall not use these facilities as a means of discriminating unfairly against importation or exportation through the maritime ports situated under its sovereignty or authority.

ARTICLE 8

Each of the contracting states reserves the power, after giving notice through diplomatic channels, of suspending the benefit of equality of treatment from any vessel of a state which does not effectively apply, in any maritime port situated under its sovereignty or authority, the provisions of this statute to the vessels of the said contracting state, their cargoes and passengers.

In the event of action being taken as provided in the preceding paragraph, the state which has taken action and the state against which action is taken, shall both alike have the right of applying to the Permanent Court of International Justice by an application addressed to the registrar; and the court shall settle the matter in accordance with the rules of summary procedure.

Every contracting state shall, however, have the right at the time of signing or ratifying this convention, of declaring that it renounces the right of taking action as provided in the first paragraph of this article against any other state which may make a similar declaration.

ARTICLE 9

This statute does not in any way apply to the maritime coasting trade.

ARTICLE 10

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

ARTICLE 11

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

ARTICLE 12

Each contracting state shall have the power, at the time of signing or ratifying this convention, of declaring that it reserves the right of limiting the transport of emigrants, in accordance with the provisions of its own legislation, to vessels which have been granted special authorization as fulfilling the requirements of the said legislation. In exercising this right, however, the contracting state shall be guided, as far as possible, by the principles of this statute.

The vessels so authorized to transport emigrants shall enjoy all the benefits of this statute in all maritime ports.

ARTICLE 13

This statute applies to all vessels, whether publicly or privately owned or controlled.

It does not, however, apply in any way to warships or vessels performing police or administrative functions, or, in general, exercising any kind of public authority, or any other vessels which for the time being are exclusively employed for the purposes of the naval, military or air forces of a state.

ARTICLE 14

This statute does not in any way apply to fishing vessels or to their catches.

ARTICLE 15

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

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

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

ARTICLE 16

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

ARTICLE 17

No contracting state shall be bound by this statute to permit the transit of passengers whose admission to its territories is forbidden, or of goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants. As regards traffic other than traffic in transit, no contracting state shall be bound by this statute to permit the transport of passengers whose admission to its territories is forbidden, or of goods of which the import or export is prohibited, by its national laws.

Each contracting state shall be entitled to take the necessary precautionary measures in respect of the transport of dangerous goods or goods of a similar character, as well as general police measures, including the control of emigrants entering or leaving its territory, it being understood that such measures must not result in any discrimination contrary to the principles of the present statute.

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

ARTICLE 18

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

ARTICLE 19

The contracting states undertake to introduce into those conventions in force on the 9th December, 1923, which contravene the provisions of this statute, so soon as circumstances permit, and in any case on the expiry of such conventions, the modifications required to bring them into harmony with such provisions, so far as the geographical, economic or technical circumstances of the countries or areas concerned allow.

The same shall apply to concessions granted before the 9th December, 1923, for the total or partial exploitation of maritime ports.

ARTICLE 20

This statute does not entail in any way the withdrawal of facilities which are greater than those provided for in the statute and which have been granted in respect of the use of maritime ports under conditions consistent with its principles. This statute also entails no prohibition of such grant of greater facilities in the future.

ARTICLE 21

Without prejudice to the provisions of the second paragraph of Article 8, disputes which may arise between contracting states as to the interpretation or the application of the present statute shall be settled in the following manner:

Should it prove impossible to settle such dispute either directly between the parties or by any other method of amicable settlement, the parties to the dispute may, before resorting to any procedure of arbitration or to a judicial settlement, submit the dispute for an advisory opinion to the body established by the League of Nations as the advisory and technical organization of members of the League for matters of communications and transit. In urgent cases a preliminary opinion may be given recommending temporary measures, including measures to restore the facilities for international traffic which existed before the act or occurrence which gave rise to the dispute.

Should it prove impossible to settle the dispute by any of the methods of procedure enumerated in the preceding paragraph, the contracting states shall submit their dispute to arbitration, unless they have decided, or shall decide, under an agreement between them, to bring it before the Permanent Court of International Justice.

ARTICLE 22

If the case is submitted to the Permanent Court of International Justice, it shall be heard and determined under the conditions laid down in Article 27 of the statute of the court.

If arbitration is resorted to, and unless the parties decide otherwise, each party shall appoint an arbitrator, and a third member of the arbitral tribunal shall be elected by the arbitrators, or, in case the latter are unable to agree,

shall be selected by the Council of the League of Nations from the list of assessors for communications and transit cases mentioned in Article 27 of the Statute of the Permanent Court of International Justice; in such latter case, the third arbitrator shall be selected in accordance with the provisions of the penultimate paragraph of Article 4 and the first paragraph of Article 5 of the Covenant of the League.

The arbitral tribunal shall judge the case on the basis of the terms of reference mutually agreed upon between the parties. If the parties have failed to reach an agreement, the arbitral tribunal, acting unanimously, shall itself draw up terms of reference after considering the claims formulated by the parties; if unanimity cannot be obtained, the Council of the League of Nations shall decide the terms of reference under the conditions laid down in the preceding paragraph. If the procedure is not determined by the terms of reference, it shall be settled by the arbitral tribunal.

During the course of the arbitration the parties, in the absence of any contrary provision in the terms of reference, are bound to submit to the Permanent Court of International Justice any question of international law or question as to the legal meaning of this statute the solution of which the arbitral tribunal, at the request of one of the parties, pronounces to be a necessary preliminary to the settlement of the dispute.

ARTICLE 23

It is understood that this statute must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part of or placed under the protection of the same sovereign state, whether or not these territories are individually contracting states.

ARTICLE 24

Nothing in the preceding articles is to be construed as affecting in any way the rights or duties of a contracting state as member of the League of Nations.

ANNEX

Text of the articles of the Statute on the International Régime of Railways and of the provisions relating thereto contained in the Protocol of Signature.

Article 4

Recognizing the necessity of granting sufficient elasticity in the operation of railways to allow the complex needs of traffic to be met, it is the intention of the contracting states to maintain unimpaired full freedom of operation while ensuring that such freedom is exercised without detriment to international traffic.

They undertake to give reasonable facilities to international traffic and to

refrain from all discrimination of an unfair nature directed against the other contracting states, their nationals or their vessels.

The benefit of the provisions of the present article is not confined to traffic governed by a single contract; it extends also to the traffic dealt with in Articles 21 and 22 of the present statute subject to the conditions specified in the said articles.

Article 20

The contracting states, recognizing the necessity in general of leaving tariffs sufficient flexibility to permit of their being adapted as closely as possible to the complex needs of trade and commercial competition, retain full freedom to frame their tariffs in accordance with the principles accepted by their own legislation, provided that this freedom is exercised without detriment to international traffic.

They undertake to apply to international traffic tariffs which are reasonable both as regards their amounts and the conditions of their application, and undertake to refrain from all discrimination of an unfair nature directed against the other contracting states, their nationals or their vessels.

These provisions shall not prevent the establishment of combined rail and sea tariffs which comply with the principles laid down in the previous paragraphs.

Article 21

The benefit of the provisions of Article 20 shall not be confined to transport based on single contracts. It shall extend equally to transport made up of successive stages by rail, by sea or by any other mode of transport traversing the territory of more than one contracting state and regulated by separate contracts, subject to the fulfilment of the following conditions:

Each of the successive contracts must specify the initial source and final destination of the consignment; during the whole duration of carriage the goods must remain under the supervision of the carriers and must be forwarded by each carrier to his successor direct and without delay other than that necessary for the completion of the transport operations and the customs, octroi, police or other administrative formalities.

Article 22

The provisions of Article 20 shall be equally applicable to internal as well as to international traffic by rail as regards goods which remain temporarily at the port without regard to the flag under which they have been imported or will be exported.

Protocol of Signature

It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of Articles 4 and 20 of the Statute on the International Régime of Railways.

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

At the moment of signing the convention of to-day's date, relating to the international régime of maritime ports, the undersigned, duly authorized have agreed as follows:

1. It is understood that the provisions of the present statute shall apply to ports of refuge specially constructed for that purpose.
2. It is understood that the British Government's reservation as to the provisions of Section 24 of the Pilotage Act of 1913 is accepted.
3. It is understood that the obligations laid down in French law in regard to ship-brokers shall not be regarded as contrary to the principle and spirit of the Statute on the International Régime of Maritime Ports.
4. It is understood that the condition of reciprocity laid down in Article 2 of the Statute on the International Régime of Maritime Ports shall not exclude from the benefit of the said statute contracting states which have no maritime ports and do not enjoy in any zone of a maritime port of another state the rights mentioned in Article 15 of the said statute.
5. In the event of the flag or nationality of a contracting state being identical with the flag or nationality of a state or territory which is outside the convention, no claim can be advanced on behalf of the latter state or territory to the benefits assured by this statute to the flags or nationals of contracting states.

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

In faith whereof the above-mentioned plenipotentiaries have signed the present protocol.

Done at Geneva, the 9th day of December, 1923, in a single copy, which will remain deposited in the archives of the secretariat of the League of Nations; certified copies will be transmitted to all the States represented at the conference.

[Here follow the same signatures as those appearing at the end of the convention.]

No. 1379. — CONVENTION¹ ON THE INTERNATIONAL RÉGIME OF MARITIME PORTS. SIGNED AT GENEVA, DECEMBER 9, 1923.

French and English official texts. The Convention and the Protocol relating thereto were registered with the Secretariat, December 2, 1926, following their coming into force.

GERMANY, BELGIUM, BRAZIL, THE BRITISH EMPIRE (with NEW ZEALAND AND INDIA), BULGARIA, CHILE, DENMARK, SPAIN, ESTONIA, GREECE, HUNGARY, ITALY, JAPAN, LITHUANIA, NORWAY, THE NETHERLANDS, SALVADOR, KINGDOM OF THE SERBS, CROATS AND SLOVENES, SIAM, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA AND URUGUAY,

Desirous of ensuring in the fullest measure possible the freedom of communications mentioned in Article 23(e) of the Covenant by guaranteeing in the maritime ports situated under their sovereignty or authority and for purposes of international trade equality of treatment between the ships of all the Contracting States, their cargoes and passengers ;

Considering that the best method of achieving their present purpose is by means of a general convention to which the greatest possible number of States can later accede ;

¹ DEPOSIT OF RATIFICATIONS :

(Translation)

BELGIUM, May 16, 1927.

* This ratification does not apply to the Belgian Congo or to the Territory of Ruanda Urundi under Belgian Mandate, without prejudice to the right of ratification at a subsequent date on behalf of either or both of these territories.

With regard to Article 12 of the Statute on the International Régime of Maritime Ports, the Belgian Government declares that legislation exists in Belgium on the transport of emigrants, and that this legislation, whilst it does not distinguish between flags and consequently does not affect the principle of equality of treatment of flags, imposes special obligations on vessels engaged in the transport of emigrants.

BRITISH EMPIRE, August 29, 1924.

This ratification has been given on behalf of the British Empire. It is stated in the instruments of ratification that this ratification shall not be deemed to apply in the case of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South-Africa, of the Irish Free State (or any territories under their authority) or in the case of India and that, in pursuance of the power reserved in article 9 of this Convention, it shall not be deemed to apply in the case of any of the Colonies, Possessions or Protectorates or of the territories in respect of which His Britannic Majesty has accepted a mandate ; without prejudice, however, to the right of subsequent ratification or accession on behalf of any or all those Dominions, Colonies, Possessions, Protectorates or Territories.

NEW-ZEALAND, April 1, 1925.

The ratifications have been given on behalf of New Zealand including the mandated territory of Western Samoa.

INDIA, April 1, 1925.

DENMARK, April 27, 1926.

* The acceptance of this Convention by the Danish Government, does not bind Greenland, the maritime ports of which are subject to a separate régime.

GREECE, January 24, 1927.

JAPAN, September 30, 1926.

* With reservation as to the right relating to emigrants, mentioned in article 12 of the Statute.

* Translations.

Considérant que la Conférence réunie à Gênes, le 10 avril 1922, a demandé, en une résolution transmise aux organismes compétents de la Société des Nations, avec l'approbation du Conseil et de l'Assemblée de la Société, que soient conclues et mises en vigueur le plus tôt possible les conventions internationales relatives au régime des communications prévues dans les traités de paix, et que l'article 379 du Traité de Versailles et les articles correspondants des autres traités ont prévu l'élaboration d'une convention générale sur le régime international des ports ;

Ayant accepté l'invitation de la Société des Nations de participer à une conférence, réunie à Genève le 15 novembre 1923 ;

Soucieux de mettre en vigueur les dispositions du Statut applicable au régime international des ports maritimes qui y a été adopté, et de conclure une convention générale à cet effet, les Hautes Parties contractantes ont nommé pour leurs plénipotentiaires :

LE PRÉSIDENT DU REICH ALLEMAND :

Monsieur Gottfried ASCHMANN, Consul général à Genève ;

Suite de la note page 286.

SIAM, 9 janvier 1925.

SUÈDE, 15 septembre 1927.

SUISSE, 23 octobre 1926.

ADHÉSIONS :

De l'AUTRICHE, le 20 janvier 1927.

De SA MAJESTÉ BRITANNIQUE, à partir du 23 avril 1925, pour la Rhodésie du Sud et pour Terre-Neuve ; à partir du 29 juin 1925, pour l'AUSTRALIE (cette adhésion ne s'étend pas à la Papouasie, à l'île de Norfolk et aux territoires sous mandat de Nauru et de la Nouvelle-Guinée) ; à partir du 22 septembre 1925, pour les colonies, protectorats et territoires sous mandat suivants :

| | | |
|--|---|-------------------------------|
| Bahamas | Gambie | Kedah |
| Barbade | Gibraltar | Perlis |
| Bermudes | Iles Gilbert et Ellice | Kelantan |
| Guyane britannique | Côte de l'Or | Trengganu |
| Honduras britannique | Grenade | Ile Maurice |
| Protectorat des Iles Salomon britanniques | Hong-Kong | Nigeria |
| Brunéi | Jamaïque (à l'exception des Iles Turques, Caïques et Caïman) | Palestine |
| Ceylan | Kenya | Sainte-Hélène |
| Chypre | Iles Sous-Le-Vent : | Sainte-Lucie |
| Iles Falkland | Antigua | Saint-Vincent |
| Etats malais fédérés : | Dominique | Iles Seychelles |
| Perak | Montserrat | Sierra Leone |
| Selangor | Saint-Christophe Nevis | Somaliland |
| Negri Sembilan | Iles Vierges | Straits Settlements |
| Pahang | Etats malais non fédérés : | Territoire du Tanganyika |
| Fidji | Johore | Iles Tonga, Trinité et Tobago |
| | | Zanzibar, |

et à partir du 7 novembre 1925, pour Malte.

De LA FRANCE, le 1^{er} décembre 1924,

sous réserve de ratification et sous les deux réserves suivantes :

1^o La France aura la faculté de suspendre... conformément à l'article 8 du statut, le bénéfice de l'égalité de traitement pour la marine marchande d'un Etat qui, en faisant usage de la disposition de l'article 12, paragraphe 1, viendrait à rompre lui-même l'égalité de traitement au profit de sa marine.

2^o La présente adhésion n'engagera pas, ainsi qu'il est prévu à l'article 9 de la convention, l'ensemble des protectorats, colonies, possessions ou territoires d'outre-mer soumis à la souveraineté ou à l'autorité de la République française.

De PANAMA (*ad referendum*), le 31 juillet 1925.

La convention et le protocole sont entrés en vigueur, le 26 juillet 1926.

SA MAJESTÉ LE ROI DES BELGES :

M. Xavier NEUJEAN, Ministre des Chemins de fer, Marine, Postes, Télégraphes et Téléphones de Belgique, Délégué à la deuxième Conférence générale des communications et du transit ;

LE PRÉSIDENT DE LA RÉPUBLIQUE DES ETATS-UNIS DU BRÉSIL :

M. le Commandant-Major E. LEITÃO DE CARVALHO, Officier d'Etat-Major, Professeur à l'Ecole d'Etat-Major de Rio de Janeiro, Délégué à la deuxième Conférence générale des communications et du transit ; et

M. Eliseu DA FONSECA MONTARROYOS, Membre de la Commission consultative et technique des communications et du transit, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES :

Sir Hubert LLEWELLYN SMITH, G.C.B., Conseiller économique principal du Gouvernement britannique, Délégué à la deuxième Conférence générale des communications et du transit ;

POUR LE DOMINION DE LA NOUVELLE-ZÉLANDE :

L'honorable sir James ALLEN, K.C.B., Haut Commissaire pour la Nouvelle-Zélande dans le Royaume-Uni ;

POUR L'INDE :

Le très honorable lord HARDINGE OF PENSHURST, K.G., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O., I.S.O., Conseiller privé, ancien Vice-Roi, ancien Ambassadeur ;

SA MAJESTÉ LE ROI DES BULGARES :

M. D. MIKOFF, Chargé d'Affaires à Berne ;

LE PRÉSIDENT DE LA RÉPUBLIQUE DU CHILI :

M. Francisco RIVAS VICUÑA, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse, près le Président de la République tchécoslovaque, près le Président de la République autrichienne, et près Son Altesse Sérénissime le Gouverneur de Hongrie, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI DE DANEMARK :

M. P. A. HOLCK-COLDING, Chef de département au Ministère des Travaux publics, Membre de la Commission consultative et technique des communications et du transit, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI D'ESPAGNE :

M. Guillermo BROCKMANN Y ABARZUZA, Inspecteur général des Chaussées, Canaux et Ports, Membre de la Commission consultative et technique des communications et du transit, Délégué à la deuxième Conférence générale des communications et du transit ;

LE PRÉSIDENT DE LA RÉPUBLIQUE ESTONIENNE :

M. Charles Robert PUSTA, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française, Membre de la Commission consultative et technique des communications et du transit, Délégué à la deuxième Conférence générale des communications et du transit ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. Xavier NEUJEAN, Minister of Railways, Mercantile Marine, Posts, Telegraphs and Telephones of Belgium, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL :

Commandant-Major E. LEITÃO DE CARVALHO, Staff Officer, Professor at the Staff College of Rio de Janeiro, Delegate at the Second General Conference on Communications and Transit, and

M. Eliseu DA FONSECA MONTARROYOS, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

Sir Hubert LLEWELLYN SMITH, G.C.B., Chief Economic Adviser of the British Government, Delegate at the Second General Conference on Communications and Transit ;

FOR THE DOMINION OF NEW ZEALAND :

The Hon. Sir James ALLEN, K.C.B., High Commissioner for New Zealand in the United Kingdom ;

FOR INDIA :

The Hon. Lord HARDINGE OF PENSHURST, K.G., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O., I.S.O., Privy Councillor, former Viceroy, former Ambassador ;

HIS MAJESTY THE KING OF THE BULGARIANS :

M. D. MIKOFF, Chargé d'Affaires at Berne ;

THE PRESIDENT OF THE REPUBLIC OF CHILE :

M. Francisco RIVAS VICUÑA, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, to the President of the Czechoslovak Republic, to the President of the Austrian Federal Republic and to His Serene Highness the Governor of Hungary, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF DENMARK :

M. P. A. HOLCK-COLDING, Director of Section at the Ministry of Public Works, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF SPAIN :

M. Guillermo BROCKMANN Y ABARZUA, Inspector-General of Roads, Canals and Ports, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE ESTONIAN REPUBLIC :

M. Charles Robert PUSTA, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

SA MAJESTÉ LE ROI DES HELLÈNES :

- M. A. POLITIS, Délégué technique du Gouvernement hellénique à Paris, Délégué à la deuxième Conférence générale des communications et du transit ; et,
M. Demètre G. PHOCAS, Capitaine de frégate de la marine hellénique, Délégué à la deuxième Conférence générale des communications et du transit ;

SON ALTESSE SÉRÉNISSIME LE GOUVERNEUR DE HONGRIE :

- M. Emile DE WALTER, Conseiller ministériel au Ministère royal de Hongrie des Affaires étrangères, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI D'ITALIE :

- M. Paolo BIGNAMI, ancien Sous-Secrétaire d'Etat, ancien Député, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ L'EMPEREUR DU JAPON :

- M. S. OKUYAMA, Conseiller d'ambassade, Directeur adjoint du Bureau du Japon à la Société des Nations à Paris, Délégué à la deuxième Conférence générale des communications et du transit ;

LE PRÉSIDENT DE LA RÉPUBLIQUE LITHUANIENNE :

- M. C. DOBKEVICIUS, Conseiller à la Légation de Lithuanie à Paris, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI DE NORVÈGE :

- M. Gabriel SMITH, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LA REINE DES PAYS-BAS :

- Le Jonkheer W. J. M. VAN EYSINGA, Professeur à l'Université de Leyde, Membre de la Commission consultative et technique des communications et du transit, Délégué à la deuxième Conférence générale des communications et du transit ;

LE PRÉSIDENT DE LA RÉPUBLIQUE DE SALVADOR :

- M. J. G. GUERRERO, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française et près Sa Majesté le Roi d'Italie, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI DES SERBES, CROATES ET SLOVÈNES :

- M. B. VOUKOVITCH, Directeur des Chemins de fer de l'Etat, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI DE SIAM :

- M. Phya SANPAKITCH PREECHA, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi d'Espagne et près Sa Majesté le Roi d'Italie, Délégué à la deuxième Conférence générale des communications et du transit ;

SA MAJESTÉ LE ROI DE SUÈDE :

- M. le Baron ALSTRÖMER, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse ;

HIS MAJESTY THE KING OF THEHELLENES :

- M. A. POLITIS, Technical Representative of the Hellenic Government in Paris, Delegate at the Second General Conference on Communications and Transit; and
M. Demètre G. PHOCAS, Captain in the Hellenic Navy, Delegate at the Second General Conference on Communications and Transit ;

HIS SERENE HIGHNESS THE GOVERNOR OF HUNGARY :

- M. Emile DE WALTER, Ministerial Counsellor at the Royal Hungarian Ministry for Foreign Affairs, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF ITALY :

- M. Paolo BIGNAMI, former Under-Secretary of State, former Member of the Chamber of Deputies, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE EMPEROR OF JAPAN :

- M. S. OKUYAMA, Counsellor of Embassy, Assistant Head of the Japanese League of Nations Office in Paris, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

- M. C. DOBKEVICIUS, Counsellor at the Lithuanian Legation in Paris, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF NORWAY :

- M. Gabriel SMITH, Delegate at the Second General Conference on Communications and Transit ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

- JONKHEER W. J. M. VAN EYSINGA, Professor at the University of Leyden, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF SALVADOR :

- M. J. G. GUERRERO, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic and to His Majesty the King of Italy, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

- M. B. VOUKOVITCH, Director of the State Railways, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF SIAM :

- M. Phya SANPAKITCH PREECHA, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Siam and to His Majesty the King of Italy, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF SWEDEN :

- Baron ALSTRÖMER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council ;

LE CONSEIL FÉDÉRAL SUISSE :

M. le D^r Robert HEROLD, Directeur de la Division des Chemins de fer du Département fédéral des Postes et des Chemins de fer, Membre de la Commission consultative et technique des communications et du transit, Délégué à la deuxième Conférence générale des communications et du transit ;

LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE :

M. J. DVOŘÁČEK, Ministre plénipotentiaire et Chef du Département économique au Ministère des Affaires étrangères ;

LE PRÉSIDENT DE LA RÉPUBLIQUE DE L'URUGUAY :

M. Benjamin FERNANDEZ Y MEDINA, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi d'Espagne, Président de la Commission consultative et technique des communications et du transit ;

Lesquels, après avoir communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus de ce qui suit :

Article premier.

Les Etats contractants déclarent accepter le statut ci-annexé relatif au régime international des Ports maritimes adopté par la deuxième Conférence générale des communications et du transit, qui s'est réunie à Genève, le 15 novembre 1923.

Ce statut sera considéré comme faisant partie intégrante de la présente convention. En conséquence, elles déclarent accepter les obligations et engagements dudit statut, conformément aux termes et suivant les conditions qui y figurent.

Article 2.

La présente convention ne porte en rien atteinte aux droits et obligations qui résultent des dispositions du Traité de Paix, signé à Versailles, le 28 juin 1919, ou des dispositions des autres traités analogues, en ce qui concerne les Puissances signataires ou bénéficiaires de ces traités.

Article 3.

La présente convention, dont les textes français et anglais feront également foi, portera la date de ce jour, et sera, jusqu'au 31 octobre 1924, ouverte à la signature de tout Etat représenté à la Conférence de Genève, de tout Membre de la Société des Nations et de tout Etat à qui le Conseil de la Société des Nations aura à cet effet communiqué un exemplaire de la présente Convention.

Article 4.

La présente convention est sujette à ratification. Les instruments de ratification seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous Etats signataires ou adhérents.

Article 5.

A partir du 1^{er} novembre 1924, tout Etat représenté à la conférence visée à l'article premier, tout Membre de la Société des Nations et tout Etat auquel le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire, pourra adhérer à la présente convention.

THE SWISS FEDERAL COUNCIL :

Dr. Robert HEROLD, Director of the Railway Division of the Federal Department of Posts and Railways, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. J. DVORÁČEK, Minister Plenipotentiary and Head of the Economic Department of the Ministry for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF URUGUAY :

M. Benjamin FERNANDEZ Y MEDINA, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain, Chairman of the Advisory and Technical Committee for Communications and Transit ;

Who, after communicating their full powers, found in good and due form, have agreed as follows :

Article 1.

The Contracting States declare that they accept the Statute on the International Régime of Maritime Ports, annexed hereto, adopted by the Second General Conference on Communications and Transit which met at Geneva on November 15, 1923.

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

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

Article 2.

The present Convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on June 28, 1919, or out of the provisions of the other corresponding Treaties, in so far as they concern the Powers which have signed, or which benefit by, such Treaties.

Article 3.

The present Convention of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature until October 31, 1924, by any State represented at the Conference of Geneva, by any Member of the League of Nations and by any States to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 4.

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to every State signatory of or acceding to the Convention.

Article 5.

On and after November 1st, 1924, the present Convention may be acceded to by any State represented at the Conference referred to in Article 1, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Cette adhésion s'effectuera au moyen d'un instrument communiqué au Secrétaire général de la Société des Nations, aux fins de dépôt dans les archives du Secrétariat. Le Secrétaire général notifiera ce dépôt immédiatement à tous Etats signataires ou adhérents.

Article 6.

La présente convention n'entrera en vigueur qu'après avoir été ratifiée au nom de cinq Etats. La date de son entrée en vigueur sera le quatre-vingt-dixième jour après la réception, par le Secrétaire général de la Société des Nations, de la cinquième ratification. Ultérieurement, la présente Convention prendra effet, en ce qui concerne chacune des Parties, quatre-vingt-dix jours après la réception de la ratification ou de la notification de l'adhésion.

Conformément aux dispositions de l'article 18 du Pacte de la Société des Nations, le Secrétaire général enregistrera la présente convention le jour de l'entrée en vigueur de cette dernière.

Article 7.

Un recueil spécial sera tenu par le Secrétaire général de la Société des Nations, indiquant compte tenu de l'article 9, quelles parties ont signé ou ratifié la présente convention, y ont adhéré ou l'ont dénoncée. Ce recueil sera constamment ouvert aux Membres de la Société et publication en sera faite aussi souvent que possible, suivant les indications du Conseil.

Article 8.

Sous réserve des dispositions de l'article 2 de la présente convention, celle-ci peut être dénoncée par l'une quelconque des Parties, après l'expiration d'un délai de cinq ans, à partir de la date de son entrée en vigueur pour ladite partie. La dénonciation sera faite sous forme de notification écrite, adressée au Secrétaire général de la Société des Nations. Copie de cette notification informant toutes les autres parties de la date à laquelle elle a été reçue, leur sera immédiatement transmise par le Secrétaire général.

La dénonciation prendra effet un an après la date à laquelle aura été reçue par le Secrétaire général, et ne sera opérante qu'en ce qui concerne l'Etat qui l'aura notifiée.

Article 9.

Tout Etat signataire ou adhérent de la présente convention peut déclarer, soit au moment de sa signature, soit au moment de sa ratification ou de son adhésion, que son acceptation de la présente convention n'engage pas, soit l'ensemble, soit tel de ses protectorats, colonies, possessions ou territoires d'outre-mer soumis à sa souveraineté ou à son autorité, et peut, ultérieurement et conformément à l'article 5, adhérer séparément au nom de l'un quelconque de ces protectorats, colonies, possessions ou territoires d'outre-mer, exclus par cette déclaration.

La dénonciation pourra également s'effectuer séparément pour tout protectorat, colonie, possession ou territoire d'outre-mer; les dispositions de l'article 8 s'appliqueront à cette dénonciation.

Article 10.

La révision de la présente convention pourra être demandée à toute époque par un tiers des Etats contractants.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to every State signatory of or acceding to the Convention.

Article 6.

The present Convention will not come into force until it has been ratified in the name of five States. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter, the present Convention will take effect in the case of each Party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force.

Article 7.

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of Article 9, which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

Article 8.

Subject to the provisions of Article 2 above, the present Convention may be denounced by any Party thereto after the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date on which the notification thereof was received by the Secretary-General, and shall operate only in respect of the notifying State.

Article 9.

Any State signing or acceding to the present Convention may declare at the moment either of its signature, ratification or accession, that its acceptance of the present Convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories, under its sovereignty or authority, and may subsequently accede, in conformity with the provisions of Article 5, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 8 shall apply to any such denunciation.

Article 10.

The revision of the present Convention may be demanded at any time by one-third of the Contracting States.

En foi de quoi les plénipotentiaires sus-nommés ont signé la présente convention.

Fait à Genève, le neuf décembre mil neuf cent vingt-trois, en un seul exemplaire, qui restera déposé dans les archives du Secrétariat de la Société des Nations.

In faith whereof the above-named plenipotentiaries have signed the present Convention.

Done at Geneva the ninth day of December, one thousand nine hundred and twenty-three, in a single copy which shall remain deposited in the Archives of the Secretariat of the League of Nations.

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|---------------------------|---|-----------------------|
| <i>Allemagne</i> | Gottfried ASCHMANN | <i>Germany</i> |
| <i>Belgique</i> | Xavier NEUJEAN | <i>Belgium</i> |
| <i>Brésil</i> | E. LEITÃO DE CARVALHO E. MONTARROYOS | <i>Brazil</i> |
| <i>Empire britannique</i> | H. LLEWELLYN SMITH | <i>British Empire</i> |
| <i>Nouvelle-Zélande</i> | J. ALLEN | <i>New Zealand</i> |
| <i>Inde</i> | HARDINGE OF PENSHURST | <i>India</i> |
| <i>Bulgarie</i> | D. MIKOFF | <i>Bulgaria</i> |
| <i>Chili</i> | Francisco RIVAS VICUÑA | <i>Chile</i> |
| <i>Danemark</i> | A. HOLCK-COLDING | <i>Denmark</i> |
| <i>Espagne</i> | Sous réserve du droit concernant l'émigration dont à l'article douze 12 de ce Statut. ¹ Gmo. BROCKMANN | <i>Spain</i> |
| <i>Estonie</i> | C. R. PUSTA | <i>Estonia</i> |
| <i>Grèce</i> | A. POLITIS. D. G. PHOCAS Sous réserve du droit concernant l'émigration, dont l'Art. douze (12) de ce Statut. ¹ A. P. D. Ph | <i>Greece</i> |
| <i>Hongrie</i> | WALTER | <i>Hungary</i> |

Translation :

¹ Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute.

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| <i>Italie</i> | Sous réserve du droit concernant l'émigration, dont à l'art. 12 (douze) de ce Statut. ¹ Paolo BIGNAMI | <i>Italy</i> |
| <i>Japon</i> | S. OKUYAMA | <i>Japan</i> |
| <i>Lithuanie</i> | Sous réserve du droit concernant l'émigration, dont l'art. douze de ce statut. ¹ DOBKEVICIUS | <i>Lithuania</i> |
| <i>Norvège</i> | Gabriel SMITH | <i>Norway</i> |
| <i>Pays-Bas</i> | v. EYSINGA, à l'exception des territoires d'outre-mer, Indes néerlandaises, Surinam et Curaçao. ² | <i>Netherlands</i> |
| <i>Salvador</i> | J. Gustavo GUERRERO | <i>Salvador</i> |
| <i>Royaume des Serbes, Croates et Slovènes</i> | Sous réserve du droit concernant l'émigration, dont à l'art. 12 (douze) de ce Statut. ¹ B. VOUKOVITCH | <i>Kingdom of the Serbs, Croats and Slovenes</i> |
| <i>Siam</i> | Phya SANPAKITCH PREECHA | <i>Siam</i> |
| <i>Suède</i> | ALSTRÖMER | <i>Sweden</i> |
| <i>Suisse</i> | HEROLD. | <i>Switzerland</i> |
| <i>Tchécoslovaquie</i> | Sous réserve du droit concernant l'émigration, dont à l'art. 12 (douze) de ce Statut. ¹ J. DVOŘÁČEK | <i>Czechoslovakia</i> |
| <i>Uruguay</i> | B. FERNANDEZ Y MEDINA | <i>Uruguay</i> |

*Translation :*¹ Subject to the right relating to emigration mentioned in Article 12 (twelve) of this Statute.² With the exception of overseas territories, the Netherlands Indies, Surinam and Curaçao.